DOCUMENT RESUME

ED 048 390 UD 011 296

TITLE	Desegregation and Equal Educational Opportunity: Local Dilemmas and Government Mandates (May 24, 25, 26, 1970, University of California Conference Center, Lake Arrowhead). Conference Proceedings.
INSTITUTION	California Univ., Riverside.
PUB DATE	26 May 70
NOTE	136p.
EDRS PRICE	EDRS Price MF-$0.65 HC-$6.58
DESCRIPTORS	Federal Government, *Federal Programs, Integration Effects, *Integration Litigation, *Integration Methods, *School Integration, State Action, State School District Relationship
IDENTIFIERS	*Center For The Study Of Intergroup Relations, Riverside, University Of California

ABSTRACT

The Center for the Study of Intergroup Relations (University of California at Riverside) sponsored a conference on "Desegregation and Equal Educational Opportunity" in the Spring of 1970. At the conference, concerned school superintendents, school board members, researchers in the behavioral sciences, and government officials shared their experiences and perspectives. The conference report presents a short summary of each of the conference sessions and representative dialogue from the conference itself. Topics discussed included: perspectives on the Gitelson decision; Federal activities in desegregation and equal educational opportunity; State activities in desegregation; and, the functioning of the Center itself. (Author/JW)

ED048390

DESEGREGATION AND EQUAL EDUCATIONAL OPPORTUNITY:

LOCAL DILEMMAS AND GOVERNMENT MANDATES

May 24, 25, 26, 1970

University of California Conference Center, Lake Arrowhead

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University of California
Riverside, California

FOREWORD

The question of who should go to school with whom remains one of the most critical problems in the United States today. The philosophical undergirding of this nation, recent Supreme Court decisions and Federal legislation require solutions to this problem. Dimensions of equal educational opportunities and integration were discussed at the conference, "Desegregation and Equal Educational Opportunity: Local Dilemmas and Government Mandates" sponsored by the Center for the Study of Intergroup Relations, May 24-26, at the University of California Conference Center, Lake Arrowhead.

Concerned school superintendents, school board members, researchers in the behavioral sciences, and government officials shared their experiences and perspectives in the areas of school desegregation and equal educational opportunities. Dialogue centered around local commitment and strategies, State and Federal guidelines and possible contributions by the Center for the Study of Intergroup Relations.

The report which follows presents a short summary of each of the conference sessions and representative dialogue from the conference itself. We trust that it will be

useful to school administrators, school board members and community leaders in their efforts to end racial and ethnic isolation and to equalize opportunities in American schools.

We express thanks to all who participated for sharing their concern for the need to improve educational practice.

Regional Dissemination Module
Center for the Study of Intergroup
Relations

DESEGREGATION AND EQUAL EDUCATIONAL OPPORTUNITY:

LOCAL DILEMMAS AND GOVERNMENT MANDATES

May 24, 25, 26

Conference Moderator

Dr. Gordon Stanton
Associate Professor of Education and Sociology
California State College
San Bernardino, California

Sunday, May 24

Registration	3:00 p.m.
Social Hour	5:30 p.m. - Terrace Room
Dinner	6:30 p.m.
Evening Session:	8:00 p.m.

Welcome--James R. Hartley, Dean
University Extension, Riverside

Topic:

Perspectives on the
Gitelson Decision

Resource People

Mr. Arthur Gardner, President
Board of Education
Los Angeles, California

Dr. Wayne Gordon, Associate Dean
School of Education
University of California
Los Angeles, California

Dr. Harold Horowitz
Professor of Law
University of California
Los Angeles, California

Monday Morning, May 25

Breakfast	8:00 a.m.
Second Session	9:00 a.m.

Topic:

Federal Activities in Desegregation and Equal Educational Opportunity

A. Congressional Mandates
B. Judicial Decisions
C. Funding for Desegregation and Equal Opportunity

Resource People

Mr. Frank Dunbaugh
Deputy Assistant Attorney General
U.S. Department of Justice
Washington, D.C.

Mr. Theron Johnson, Chief
Northern and Western Branch
Division of Equal Educational Opportunities
Office of Education
Department of Health, Education and Welfare
Washington, D.C.

Mr. Victor Labat
Special Assistant to the Director of Civil Rights
U.S. Department of Education
Washington, D.C.

Mr. Ernest Robles
Regional Director
Programs in Civil Rights
U.S. Department of Education
San Francisco, California

Coffee	10:20 a.m.
Session Continues	10:45 a.m.
Lunch	12:00 noon

Monday Afternoon, May 25

Afternoon Session 2:30 p.m.

Topic:

State Activities in Desegregation and Equal Opportunity

Resource People

Mr. Reuben Burton, Consultant
Bureau of Program Development
Department of Education
Sacramento, California

Mr. Ted Neff, Coordinator
Bureau of Intergroup Relations
Division of Equal Opportunity
U.S. Office of Education
Washington, D.C.

Coffee 3:45 p.m.

Session Continues 4:10 p.m.

Social Hour 5:30 p.m. - Terrace Room

Dinner 6:30 p.m.

Evening Session 8:00 p.m.

Topic:

The University of California, Riverside Center for the Study of Intergroup Relations

Resource People

Dr. Irving Balow, Chairman
Department of Education
University of California
Riverside, California

Dr. Merle Borrowman, Dean
School of Education
University of California
Riverside, California

Monday, May 25

Evening Session (continued)

Resource People

Dr. James R. Hartley, Dean
University of California Extension
Riverside, California

Dr. Jane Mercer
Associate Professor of Sociology
University of California
Riverside, California

Tuesday, May 26

Breakfast	8:00 a.m.
Morning Session	9:00 a.m.

Topic:

Recommendations for Services to be Performed by the Center for the Study of Intergroup Relations

Coffee	10:15 s.m.
Session Continues	10:45 a.m.
Lunch	12:00 noon

SUMMARY OF PROCEEDINGS

In the next few pages, brief summaries of sessions of the conference, "Desegregation and Equal Educational Opportunity: Local Dilemmas and Government Mandates," are presented. By no means, can one stop with reading only these summaries. Full appreciation of the value of this conference comes only through careful reading of the entire dialogue.

Sunday Evening, May 24
PERSPECTIVES ON THE GITELSON DECISION

Perspectives on the Gitelson decision were given by Arthur Gardner, President of the Los Angeles City Board of Education; Wayne Gordon, Associate Dean, School of Education, U.C.L.A.; and Harold Horowitz, Professor of Law at U.C.L.A.

In 1962, the Los Angeles City School Board adopted a policy of equal educational opportunity and integration in schools. Therefore, their appeal of Judge Gitelson's decision was not based on opposition to desegregation, but on questions of educational policy, e.g., expenses and strategies.

According to the Los Angeles School Board, Judge Gitelson assumed a legal principle that does not exist. Assuming that a school district has an affirmative duty to overcome de facto segregation, the court concluded that the Los Angeles Board was guilty of bad faith and of de jure segregation.

The Board pointed out the cost factors involved in a "racial balance" decision in a district as large as Los Angeles. Furthermore, programs are operating that provide integration and equal educational benefits. For the last two years, the district has financed a voluntary busing program roughly equivalent to the transportation used to desegregate the Berkeley district. Due to ever-diminishing financial support, the city schools can afford to withdraw no further educational inputs for the accomplishment of racial balance.

From Wayne Gordon, Harold Horowitz and participants, there were several questions and comments regarding the Gitelson decision: Why did the lawyers for the school board take

such a restrictive position? The court cases they selected said, in effect, "We, as a school board, have no responsibility." Why did school personnel say that they did not know whether integrated education has any benefits for minority children? Why was so much time spent on arguing the generally accepted conclusion that segregation has serious negative effects on individuals? Finally, why was the appeal statement of the school board devoted about 90% to "why Judge Gitelson's decision is bad," and only 10% to, "but our board is committed to integration."?

Monday Morning, May 25
FEDERAL ACTIVITIES IN DESEGREGATION AND
EQUAL EDUCATIONAL OPPORTUNITY

Theron Johnson, Frank Dunbaugh, Victor Labat and Ernest Robles discussed funding, legal precedents and Federal guidelines for school desegregation.

Several factors account for the infrequency of voluntary desegregation. For example, superintendents are not trained to deal with some of the issues involved in desegregation. Too many people have believed in the myth of local control; State and Federal agencies, as a result, have not exercised their sanctions in the area of desegregation. To counter-balance their constituency, school boards need more support from the State and Federal government. Finally, some school personnel, though they would agree that education in isolation benefits no one, contend that the research evidence for such a position is insufficient.

Appropriations for desegregation moneys for planning, reorganization costs, etc. are being considered in Congress. Funds would be provided for schools under court order, for voluntary desegregation and for areas of disadvantaged impact.

In general, districts under court order to desegregate must meet with Title IV personnel and develop a desegregation plan. Several alternative processes for desegregation are: re-districting, changing grade structure and adopting different school size standards. Selection of the most administratively feasible and educationally sound alternative was advised. The extent to which all children have equal educational opportunities is another important criterion.

Justice Department and Civil Rights officials predict that the dual system in the South will be largely eliminated by Fall, 1970 and that personnel and attention will be shifted to the North. Legal precedents established in the South will be applicable to the North and West.

Clarification of de facto segregation is expected from court decisions in Little Rock, Arkansas; Jackson, Mississippi and Tampa, Florida. In some Western and Northern decisions, the distinction between de facto and de jure segregation has been obliterated. The Holmes vs. Alexander case decided in the Supreme Court takes the position, "desegregate now." "All deliberate speed" no longer applies.

In a Denver case, the court found that revocation of a previous desegregation plan by a new board amounted to a racial decision in direct conflict with the Fourteenth Amendment. Would there be a court case if a district were to adopt a desegregation plan and then, due to lack of funds, not furnish sufficient transportation to carry out the plan? The answer was "yes." The central thrust of this session was, "Select the most feasible desegregation alternative and provide equal educational opportunities."

Monday Afternoon, May 25
STATE ACTIVITIES IN DESEGREGATION AND
EQUAL OPPORTUNITY

Comments in this session centered around the issues of commitment to and plans for desegregation. Panelists Burton and Neff discussed Title I program development and activities of the Bureau of Intergroup Relations.

In the Bureau, ten consultants are available for program planning and problem solving in areas of school attendance practices, effective distribution of pupils, and equal employment opportunities.

Title I funds to provide compensatory educational services do not promote segregation. Regardless of the school he is attending, the Title I youngster receives these funds at a minimum of $300. Some non-Title I youngsters may be involved in Title I programs.

Participants were asked to consider the question, "What am I doing for desegregation, avoiding or solving?" According to many participants, difficulty in solving desegregation problems arises because Federal and State governments, Congress and the State Board of Education have developed such ambiguous desegregation standards. School board members and school administrators need, but are not getting, support statements from these agencies.

Admittedly, desegregation standards in terms of percentage points are arbitrary, but they give districts guidelines to meet as best they can, given their particular situation and resources. Rather than Federal or State demands, several participants felt that impetus for desegregation should come from the local boards. "Leadership and commitment must come from us, the local school board members and administrators. We do not need to look to the Federal government for educational leadership."

The time to act for desegregation is now. In time, many California districts, as in New Jersey now, will be beyond any kind of effective desegregation.

Monday Evening, May 25; Tuesday Morning, May 26
THE UNIVERSITY OF CALIFORNIA, RIVERSIDE CENTER
FOR THE STUDY OF INTERGROUP RELATIONS

RECOMMENDATIONS FOR SERVICES TO BE PERFORMED BY
THE CENTER FOR STUDY OF INTERGROUP RELATIONS

From many sources; the Riverside School Study Team, Bureau of Intergroup Relations and Office of Education personnel, and individuals at the University; came contributions to the conceptualization of the Center for the Study of Intergroup Relations. In addition to research and evaluation, two other functions for the Center were identified: demonstration school-teacher training and information dissemination.

The research and evaluation module will aid districts in the evaluation of desegregation. Information dissemination activities will be in the form of newsletters, training programs, conference proceedings and special bulletins. An extensive library on segregation, desegregation, integration, etc. will be developed. Teacher training and a demonstration school comprise the innovative education module. Teacher

training will follow neither the traditional apprenticeship model nor the preservice-inservice distinction. In settings conducive to the examination of philosophy and goals, inexperienced and experienced teachers will work together on specific educational problems. Multi-ethnic curriculum, teacher attitudes and behavior, and school-community-university cooperation are lab school focuses.

Several suggestions for the Center were made. In helping districts evaluate the effects of desegregation, the Center should participate in the early stages of planning. Sponsored by the Center, community desegregation conferences including the school board, city council, community and school leaders, and students would be valuable.

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LOCAL DILEMMAS AND GOVERNMENT MANDATES

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Evening Session
May 24, 1970

Resource People
Mr. Arthur Gardner
Dr. Wayne Gordon
Dr. Harold Horowitz

PERSPECTIVES ON THE GITELSON DECISION

Jim Hartley: In planning this program, we knew that desegregation and equal opportunity were in flux. This is still very true, particularly now that we have had the Cambodian affair, incidents in Jackson, Mississippi; Augusta, Georgia; Kent State, and the closing of the University. Events of importance have occurred in the Nixon administration. So, it is very important that you are here for this conference.

Tonight, we will consider the Gitelson decision, and tomorrow we will talk about developments at the State and Federal levels. At this time, I'm very pleased to turn the microphone over to Dr. Gordon Stanton, Associate Professor of Education, San Bernardino State College, who will chair this and subsequent meetings.

Gordon Stanton: In reviewing the sequence of the conference, beginning tonight with the Gitelson decision and then moving to the Federal and state levels, Jim neglected to go on to Tuesday's topic, "What can be accomplished in concert between the University and the districts." As you see, your last session has to do with the proposed center. Tonight we want to set the stage for what I hope

will be the pattern, but we don't want to force any pattern on you.

We would like to follow the precepts set forth in Postman and Weingartner's, Teaching as a Subversive Activity. If you have seen their book, you know they make quite a point about the curriculum in the public schools being conducted in the absence of questions from the participants. Most schooling can be characterized as presenting answers to questions which have not yet been asked. So, the participants on the panel would like to start with what you people have to ask. I'd like to introduce our panelists: Harold Horowitz, Professor of Law at UCLA; Wayne Gordon, Associate Dean, School of Education, UCLA; Arthur Gardner, President, Los Angeles City Board of Education.

Participant: I was tremendously impressed by Judge Gitelson's report. What could be a possible defense of the school board against this accusation by Judge Gitelson?

Arthur Gardner: That's the question in a nutshell, and that question alone would take a three day seminar to cover. If I don't lay a foundation, you may see me as an apologist for a position of intransigence on the question of integrating schools. That is neither my position, nor the position of the Los Angeles City District.

In response to community concern, the City School District, as long ago as 1962, adopted a policy of equal educational opportunity and integration in schools. In fact, our posture in the Crawford case was, "We believe in integration, we want to do everything we can to accomplish it. These are the things we have done to accomplish it, and these are the things that have prevented us from being more aggressive in this area."

fundamental issues

Now, why did we take the posture we did on the Gitelson judgment? There are some fundamental issues involved. Judge Gitelson assumed a legal hypothesis which has never been established by the United States Supreme Court, namely, that the school district has the affirmative duty and the paramount obligation to overcome de facto segregation by positive action. Though Judge Gitelson assumed this as a legal principle, it has been the subject of a number of conflicting decisions in the district and circuit courts of appeal of the U.S. Federal System and has never yet been affirmed by the U.S. Supreme Court.

We could live with that legal principle either way, but Judge Gitelson went beyond it. From this legal hypothesis

Gitelson decision

which is an assumption, not a law, Judge Gitelson found that the Los Angeles School District had not with sufficient aggressiveness complied with this assumed obligation.

Therefore, the district was guilty, not only of bad faith, but also of de jure or deliberate segregation of the Los Angeles schools. In my judgment, this compounds the error of the assumption made at the outset. The Gary case, the Cincinnati case, and the Dade County case all decided at the Circuit Court of Appeals level of the U.S. Federal Court system held the opposite of Judge Gitelson's position.

legal principles

These are the legal principles involved: the assumption of an affirmative duty to integrate and overcome de facto segregation, the extrapolation of that assumption to a finding of bad faith, the extrapolation of that assumption to a finding of de jure activity--deliberate segregation on the part of the L.A. School District. As a matter of philosophical principle, it is our position in the Los Angeles District that the burden of desegregating our communities and our schools is a far greater burden than the public schools, with their diminishing resources, can unilaterally handle. It is time that national and community policy were set on this issue, probably by the U.S. Supreme Court, which will bring to bear the kind of resources necessary for an effective solution. This is a philosophical question that cannot be resolved by simple acquiescence to Judge Gitelson's ruling in the Crawford case.

In the number of times that the California Supreme Court decision of Jackson vs. Pasadena has been cited, this third point has often been overlooked. The dictum in the California Supreme Court in the Jackson vs. Pasadena case was that a school district had an obligation to overcome segregation of whatever source, by whatever feasible means it could devise. "Feasible means," I submit, is the hang-up.

The Los Angeles City School District, like so many public school districts in California, has been operating over the last ten years with ever-diminishing revenues, ever-diminishing power to discharge its primary obligation, the education of young people. Judge Gitelson brushed aside as inconsequential our plea that we are faced with

feasibility

a serious, if not fatal, feasibility question. Due to loss of revenue to operate the educational system, we have less and less capability to do the job we are intended to do. If we accept Judge Gitelson's opinion that integration is a paramount objective of public education, we must withdraw educational input to a degree necessary to accomplish the result ordered by his opinion. Last Thursday the Los Angeles Board of Education cut the programs for the coming year by $41 million. If Governor Reagan's present tax reform package passes, we'll have to cut another $21 million out of our budget.

The attorney's for the Crawford petitioners, the case argued by the ACLU, in a sense told us, "It is of no consequence to us or to public policy that you have to withdraw educational input. The values of integration will somehow recover all of those lost inputs." Now, I agree and our Board of Education agrees that integration is an important proposition. But, if you take the ACLU position argued in the Crawford case and the position sustained by Judge Gitelson in his ruling, you will have to say, as a logical extension of that position, that if it is fair to withdraw $40 million of educational input to accomplish integration by busing or whatever means necessary, then how far do you go? Is $41 million enough, or will you justify $80 million? Or will you withdraw all educational inputs to provide integration? It is upon these principles, legal, philosophical, and practical that the Los Angeles Board of Education voted to appeal Judge Gitelson's decision.

assumption of integration

Wayne Gordon: What if you started with the assumption of integration? Having financed integration, the remaining resources could be used to further affect the quality of the program. What kind of estimates are you talking about? The negative facts of continuing ghettoized and segregated schools are not feasible either.

racial balance

Gardner: I don't know, Wayne, that I can answer your question with any precision. First of all, Judge Gitelson's decision was not a decision on integration; it was a decision on racial balance. I think there is a difference. The Los Angeles School District is committed to integration, but integration of public education in a district such as ours must be accomplished by a multitude of strategies, not just by the strategy of racial balance. We testified under oath in court that it would be very costly to implement Judge Gitelson's decision, and there was no contrary evidence offered by the other side. Our estimate was $40 million in the first year to accomplish the transportation programs necessary to bring it about.

Participant: What portion is it of your total budget?

Gardner: Well, our total budget--operational--is about $620 million dollars at the present time.

I want to get back to your question, Wayne. In 1962, the ad hoc committee of the Board of Education, under the urging of community groups and ACLU, changed district policy regarding the location of schools in order to accomplish an integration component. We changed the teacher transfer policy and pupil transfer policy too. In 1968 and in 1969, when the Crawford case was argued by the court, ACLU told

us and the Judge agreed, that this transfer policy for teachers and for pupils has had an undesirable outcome. You are making it easier for whites to flee and tying the minority people down in their present location. But, I have to point out that our transfer policy was established at the behest of ACLU and spokesmen for minority groups in the Los Angeles District.

I can't give an exact cost estimate for an integrated program, but let me describe some of the things we are doing. Centered around Crenshaw High School and other junior and senior high schools, the APEX program in South Central Los Angeles accomplishes an integration component and provides superior educational opportunities for a wide variety of students. This is presently receiving $500,000 a year under Title III of the Elementary Desegregation Act. The program is so exciting to the Federal officials they extended the grant one semester beyond the normal three year period. But, that grant runs out on June 30th of this year. We are faced with the problem of what to do with that particular program when we've already cut our budget $41 million.

APEX, PIE

We also established the PIE program, a program for inter-school enrichment, for parent classes, and for children from minority and majority schools to go on their curriculum

trips together. We established the voluntary busing program which is an adjunct of our open school enrollment policy, financed this year to the tune of about $210,000. All of these programs are in jeopardy because of lack of funds.

These programs could be expanded with tremendous impact in accomplishing an integrated school system, as opposed to a racially balanced school system. With maps of the L.A. School District, I can show you the massive transportation costs involved in establishing racial balance.

Please don't misunderstand me or the Los Angeles City School District. We believe in integrated education as superior education. We believe that the extracurricular mix of races, the lunch hour breaks, the classroom activities all have desirable benefits. But, the provision of adequate supplies, of professionally competent teachers, of ancillary services is also an important component of any educational program. At this point, we cannot justify the withdrawal of $40 million of that particular type of input to accomplish a racial balance program.

Harold Horowitz: I'd like to make a few comments as a lawyer and as a parent. If the Los Angeles City School Board feels the way that you do, Mr. Gardner, then that simply has not come over in the City of Los Angeles. This is a very serious problem for school administrators

to keep in mind. As the basis for what I am saying, let me give you a little check list that I made as you were speaking.

testimony--Crawford case

I believe that the testimony in the Crawford case from the school system bureaucracy, and I don't mean anything derogatory, was, "We do not know if integrated education is of an advantage to minority children." I believe the superintendent of the Los Angeles City Schools said he had no opinion about that. I believe that the defense that the city school system made in that case was to resist any kind of legal obligation to do anything about de facto segregation. The Jackson case in the Pasadena Schools, in 1963, has been on the books all these years. Has the Los Angeles County Counsel disagreed with that decision and been advising school boards that they don't have to do anything about it? That came through in the form that the defense took.

When Judge Gitelson handed down his opinion, there was an announcement of intention to appeal. People say that there could not have been time to have read that opinion before the announcement to appeal appeared. The phrasing of that appeal from the superintendent's office would make one question whether there is any commitment to integration in Los Angeles. I would estimate that

90% of it was devoted to saying, "This is bad, and we are going to have to appeal," and the last 10% was, "but of course we are committed to integration." That simply belies the apparent commitment that is said to exist.

I have children in the Los Angeles City School System, and I have been interested to ask them what's going on in their classrooms about the Gitelson decision. Our daughter came home one day and said, "We're going to be bused next year across town." My question was, "Where did you hear that?" She answered, "Well, that's what all the kids are talking about." I asked, "What have you heard in your classrooms from your teachers?" and the answer was, "Nothing." Teachers may be afraid to talk about this in the classroom, but more importantly, which again belies any apparent commitment of the City School System of as much integration as possible, the City School System has not tried to explain this to the children.

If what you are saying about the Board is so, it heartens me tremendously because I had not believed that the city schools had such a commitment. I am probably very ill-informed about the Board's position because all I know is what I have read in an analysis presented in the Gitelson decision. It seemed to me that the Los Angeles

City School System was doing everything it could to prevent the slightest kind of obligation being declared by the Judge to do something about de facto segregation.

Gordon: I understood the assumption that it was not feasible because of cost factors, even if there were an obligation. But, the issue that really bugged me, and I spent thirty-five hours on the witness stand, was that we did not have evidence in the social sciences of the negative effects of segregation in the de facto situation. There was some assumption that de jure, as established in the original case, was sufficiently documented, though those of us who knew the evidence knew that was done under the most ordinary kind of evidence. Since then, social scientists have established massive evidence that any kind of segregation has significant negative effects on pupils. It disturbed me to have to support what seemed to be a fairly well established principle, yet it was a major contention of the case.

question of evidence

Gardner: In this case, we had a confrontation between lawyers and educators. I'm not sure that they communicate on the same wave length at all. Let me give you a little bit of the history of the Board's position in the Gitelson case. The case of Crawford vs. the Board of Education did

background--Crawford case

not originate in 1968, and it did not originate as a petition for a mandamus or declaratory relief to determine the extent of integration or segregation in the Los Angeles schools and the remedies that must be applied to eradicate it. The case began in about 1963 when the Board of Education, acting to improve inner city education and the educational opportunities of minority students, proposed to remodel, to comply with the Field Act, a classroom building at Jordan High School. Because Jordan High School was a de facto segregated school, 98% black, the ACLU sought an injunction to prevent the Board from making those improvements. That is how the Crawford case began.

Many of you know also that in the Civil Rights Movement since 1962 there has been a dramatic shift from the issue of integration to the question of separatism or local control. This underlies Board actions in establishing the Mexican-American Commission and the Black Education Commission. This is a change in our whole body politic which we have had to live with over a period of time.

Against that background, let me explain Board actions in preparing to respond to the Crawford Petition. Some members of our Board argued strenuously for saying, "Demur, you can't establish that I have any legal obligation to even listen to you." The Board majority said, "No, we

will not take that tack. We believe in integration of the schools; here is our ad hoc committee statement of 1962 to prove it; here is our December, 1967, statement of the Board of Education to prove it. Here are the things we have done within our meager resources since 1962 to prove that this is our policy." We will then say to the courts, "We believe in this program, but these are the issues which justify our present degree of commitment." This is how the Crawford case came to issue, and this was the posture that the Board took.

Having read the briefs offered by our side, I can testify that there is not one word in those briefs that departs from our posture. We believe in integration. Stepping over on the legal side apart from our educational commitment, we will argue that it has not yet been conclusively proven that classroom achievement is to this measure affected by integration of the classes. But, we certainly will concede that educational objectives are better realized through the total "campustry" effects of the integration of the races in the public schools.

Dr. Gordon, when we argued the nuts and bolts of the Coleman opinion during your testimony, I'm sure you were affected by counsel's attacks on certain minute educational or legal principles. But, you must understand that the

basic philosophical posture of the school district was established by the Board of Education and was very well carried out in the briefs that our counsel provided during the trial.

Mr. Horowitz, you mentioned your concern that well-informed teachers haven't been discussing the Gitelson decision in their classes. You are an excellent attorney, but I wonder if you understand the educational process in the public schools. How can public school teachers, with all the problems they have, discuss in some meaningful way the "ins" and "outs" of such a decision? Very frankly, only attorneys such as yourself and educators such as Dr. Gordon seem to understand the Gitelson decision and react other than emotionally on the total question. Of course, the emotion related basically to the fact that the Gitelson decision was a decision on racial balance and not integration.

Participant: Mr. Gardner, would you define what you mean by "racial balance" and "integration."

Gardner: The court criticized us for not giving our staff any definition of "racial balance." We pointed out that we cooperated very fully with the State Department of Education as they developed Administrative Code Section 20-10 and 20-11.

Participant: Excuse me, this is rather an incredible statement. During the time that the Equal Opportunity Commission of the state was proposing to strengthen regulations through the State Board of Education, your staff was working against it.

Gardner: Well, I was there. When the State Board of Education was developing Administrative Code sections 20-10 and 20-11, one of our Board members, Mr. Chambers, went down to San Diego and said, "You can't do this." At the same time, the Board was instructing the staff to cooperate in the development of these regulations.

Participant: When these regulations were strengthened or developed? They were established in 1963 and strengthened in 1968.

Gardner: When they were strengthened in 1968, our staff was instructed by the Board to cooperate in that measure, and we had continuous inputs from staff on that question.

Participant: As Executive Secretary of the State Commission, I can say that they acted counter to your direction.

Gardner: At any rate, whatever definition you accept for racial balance, whether it is the plus or minus 15 percentage points that we are debating now, or whether

it is the no less than 10 and no greater than 50% formula that was offered by the petitioners in the Crawford case, the Gitelson decision in the Crawford case was a decision on racial balance.

I want to show you a map of the Los Angeles District. This is the end of the district at San Pedro. This is the north end of the district of Granada Hills, distance 52 miles. This is the western boundary of the Los Angeles District at Venice, not counting the area where it sticks out into Canoga Park or Topanga, distance 20 miles. In his decision, Judge Gitelson dismissed the expert testimony of our staff that it would cost $40 million to accomplish his racial balance order. He totally disregarded, without any testimony in opposition, the sworn testimony of a witness. But, I want to show you a little bit of what that testimony involved.

This overlay, the brown blotches on this map, represent the Mexican-American pupil population in the school district at the point where it reaches 31% or greater. The black and brown minority pupil population is less that 4% of the pupil population of the entire San Fernando Valley. From this area here, the edge of the 31% black area, roughly Marshall High School, to Canoga Park is 28 miles. From any one of these points to Granada Hills,

it is about 26 miles, but not one word about busing. The court found that we hadn't made any good faith effort. After all, how could we justify this kind of attitude, when districts such as Oakland, Pasadena and Berkeley were really moving forward aggressively? By superimposing on the Los Angeles District the Berkeley District, one senior high school, two or three junior high schools, and several elementary schools, you can see that a transportation program to accomplish integration in Berkeley is roughly equal to the voluntary busing program the Los Angeles District has financed for the last two years.

Theron Johnson: I understand that the appeal of the Board of Education was based on Deal in Cincinnati, Dade County and Bell in Gary. Bell, you know, has been overturned. Why did the Board of Education choose those cases? There are about eight other decisions which not only dealt with the difficulty of feasibility in education, but also were more progressive in the approach to the educational question. Take, for example: Pontiac, Barksdale in Springfield, Benton Harbor, Manhasset, 151 in Phoenix-South Holland in the southern district in Illinois and the Norfolk case.* I'm a little curious as to why the Board

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* Davis vs. the School District of the City of Pontiac; Bardsdale vs. the Springfield School Committee; Berry vs. the School District of the City of Benton Harbor; Blocker vs. the Board of Education, Manhasset, New York; United States vs. School District 151 of Cook County, Illinois; Brewer vs. the School Board of the City of Norfolk, Virginia.

no responsibility

of Education took the position of "we have no responsibility," a position represented in the cases that the counsel picked.

Gardner: When you argue a case, you don't put all your eggs in one basket. As I said, several board members wanted us simply to demur to the issue. Though we entered a demurrer because we argued that there was no legal obligation flowing against us, we did not rest on the demurrer.

issue of defense

We argued every one of the affirmative defenses, the defense of law, the defense of feasibility, all of these defenses that any lawyer worth his salt would be obliged to argue in behalf of his client. For some strange reason this can be done in a personal injury accident, or. . .

Johnson: But, this is very different.

Gardner: . . .a contract accident, or even a trust-busting case and not be misunderstood, but let a school district take this posture on such an explosive issue as desegregation and the emotional reaction is overwhelming. A school district with its counsel has an obligation to defend itself in every legitimate fashion just as surely as a man defends himself for a breach of contract. We didn't stand alone on Bell vs. Gary or the Cincinnati case. We cited cases that we felt supported our position. The opposition cited cases that supported their position. This is a very fair process that's carried on.

Johnson: Why did counsel for the Los Angeles Board take the most restricted of positions?

Gardner: Well, it's my impression that they did not. The brief they offered to the court and the citations were quite complete.

Horowitz: I submit, for all the school board and school administration people present, that there is a mighty difference between a governmental enterprise which is charged with violating the law and the position it should take in defending itself and someone defending himself from a breach of contract action or an automobile accident case. If the school board were committed to the notion of integration, it need not have made the all-out defense that it made on every conceivable issue that arose in the case. These are social issues that are tearing this country apart, and you don't try to win on every little point that you can find.

Gardner: I have to disagree with you as a concept of legal advocacy. Judge Gitelson, in his findings, was disturbed over the fact that we even resisted the suit. I don't see how anybody who has a conviction of the value of the law and jurisprudence as a means of solving problems can say to anybody, whether he is a private citizen or a government agency, "You must not defend yourself on this issue."

Participant: First of all, what is your total budget for transportation? You mentioned you had a voluntary bus program, what is the amount of that? Secondly, you mentioned you had supplementary programs of sister classes for integration. If you had full integration with a busing program, wouldn't the money from those projects be channeled into busing? If so, would the $40 million figure still stand?

Gardner: APEX is financed about $500,000 a year. The voluntary busing program is $210,000 at the present budget. It is in jeopardy for next year because of the $41 million we have to cut out. For home to school curriculum transportation and all sorts of other activities, the total transportation budget for Los Angeles District at the present time is about $12 million. In contrast to home-to-school transportation programs offered in school districts across the state and the nation, the Los Angeles District will transport a six year old first grader to his class by bus at district expense only if he has to walk 2¼ miles or more. The $12 million program is based on that kind of a conservative transportation effort. So, the $40 million is based on the capitalization of the buses, the salaries, the maintenance, the maintenance depots, and so on, necessary to put some 1800 buses on the road.

Participant: Is your $40 million figure on the same basis as 2¼ mile radius of walking to school or is it on a smaller radius?

Gardner: No, that is based on integrating schools, on getting students from Fremont High School to Canoga Park, so that Canoga Park becomes an integrated high school. By using maximally the RTD routes, we can meet the no less than 10 nor more than 50% figure of the petitioners in the Crawford case at a transportation program cost of about $12 million. However, that transfers the capitalization of extra buses in large measure to RTD instead of to the school district. So, the cost for busing for racial balance is still a bundle.

Participant: I'd like to shift completely away from this subject. In Santa Clara Valley, we have about 50,000 acres of land to develop. The school districts in our county have formed a council of superintendents. We hope to employ somebody to work with the city council and the planning commission and pursue the notion of integrated housing, for example, scattered low income housing, in order to avoid the basic problem. What are the legal problems, and what can you people suggest that would help us in working with this housing?

Horowitz: In the present state of the art, there is not much you can do under the law to insist that there be integrated housing. We have not yet gotten to the point where we have the constitutional principles that would enable you, by ordinance or statute, to insist that people group themselves in a way that would end up with integrated schools. There are various ways of trying to do this by holding out incentives to people to do so, and I suspect that's what you are going to have to explore.

Gardner: From my viewpoint, you are not going to solve the school integration problem effectively until you attack it on this and all other fronts. We need national and community policies which draw on our total resources, rather than just those of a public school system which is being increasingly deprived of its funds.

Participant: What are the board's social, political, and educational directions now while this case is in appeal?

Gardner: Even before the Crawford decision was handed down, we had requested the superintendent to devise strategies to meet the State Board of Education guidelines, Administrative Code 20-10 and 20-11. Because we needed to know the outcome of the Crawford case, we pursued it to its conclusion before getting too deeply involved in those strategies. Mr. Horowitz felt that our reaction to the decision came

too quickly, but we were under no illusions as the case progressed about the direction in which the Judge's ruling was tending. We have a meeting next Thursday at which we expect to receive from the superintendent recommendations for resolving the problem.

Participant: Are all of you using the same definition of integration? Where does racial balance fit into that? You are in favor of integration, but there is some argument over racial balance.

racial balance is not integration

Gordan: From my point of view, integration is quite different from racial balance. Both have something to do with the numbers of children that attend schools together, but integration involves programmatic activities and the assurance that certain kinds of relationships are provided for in the context of schools. Integration would have something to do with inservice training, with what is happening to faculty, with what is happening in the community and what the community is doing about it. When I use the term "integration," I am concerned about the opportunity for children to have contact with each other. We should eliminate the massively separate ethnic or racial schools where children are in very large numbers together. But, getting those 80% schools down to something like 40% by shuttling them out, I suspect is not, from an educational

point of view, what we are talking about. But, that is the minimum essential condition for achieving desegregation, not integration.

Gardner: The most fundamental aspect of segregation is the racial isolation issue, the fact that children of all races are isolated from each other. An integration program should go a long way, hopefully, all the way, toward eliminating that feeling of isolation. What I would describe as successful accomplishment of integration in some school districts, and certainly in a district that is confronted with the kind of geographic problems that we have, would result in something less than the kind of racial balance in every school that has been talked about in the Crawford case.

Some of the techniques in our district to bring this about are increasing our APEX projects, multiplying our PIE program, and multiplying our voluntary busing program. These strategies may accomplish what we can defend as an integration program. At the same time, every individual school might not measure up to what we have talked about as racial balance.

Participant: How could the Gitelson decision be achieved at a 10 and 50 percentage under the present state

guidelines? Or was it decided on a separate issue before the guidelines were established?

Gardner: The Judge ruled in the alternative. He said, "Your first objective will be the state guidelines, plus or minus 15 points. If, however, you can demonstrate the infeasibility of that, then we will accept 10 and 50."

± 15
10 and 50

Participant: Does this establish for the state guidelines new alternatives for all districts?

Gardner: No, the Judge's decision, as I understand it, relied on the state guidelines, but he has no authority to alter the state guidelines. He can not order those changed, but he can offer an alternate to meet the needs of this particular case.

Participant: I understood you to say that there was no feasible alternative to your present assignment program. By that I understood you to say you weren't simply talking about racial balance, but about a more effective alternative. Is that correct?

Gardner: I never argued that. Judge Gitelson never said a word about busing. He offered us no other alternative than racial balance by one of these two criteria.

Participant: I thought you said your defense was that there was no other feasible alternative. In asking

your staff to do a feasibility study, what standards have you given them with respect to grade structure and school size?

Gardner: Over a period of years, we have evolved standards for site selections and standards for elementary, junior high and senior high school size. As a result of the ad hoc committee study in 1962, we cranked in the impact of racial balance in the schools as one of the factors to be used in site selection.

Participant: Is this also a factor in determining school size?

Gardner: No, we have sort of arrived at an optimum school size for elementary, junior high and senior high based on primarily administrative criteria, not necessarily racial balance. But, there are some modifications on that because you may have some areas that require educational opportunity that cannot readily be cranked into a larger school operation. But, by and large, if you look at the Los Angeles map and the distribution of the racial strains, you will find that making a school 400 or 1400 has little or no effect on the racial balance issue at a given school.

feasible alternatives

Participant: If you didn't say to the court that there is no other feasible alternative, I have trouble understanding what you did say.

Gardner: Explain to me what you mean by our saying "no feasible alternative," assuming that we said it, which I don't think we did.

Participant: Was there some other zoning pattern or some other grade structure that would have reduced racial isolation in your present system? I ask because Senator Cranston has been passing around figures which show that, of the majority white districts in the North and the West, Los Angeles has the lowest percentage of blacks in majority white schools. I assume that short of racial balance or busing there must be some other alternative arrangement that would increase the number of blacks in majority white schools.

Gardner: The criteria we have used for locating schools are the area we serve, the walking distance, the existence of natural boundaries, the canals, etc. In 1963, we cranked in another dimension, the tendency of a given attendance area to create an integrated school situation. We asked the staff to give that very important recognition. When you talk about individual schools, you talk about Princeton Plans, parent schools, educational parks and so on. In the Los Angeles area, except for some notable exceptions, the migration line of the black residential wave across town is such as to destroy a Princeton

Plan in a period of usually less than two years, unless you keep moving the boundary across town.

Gordon: It might be fairly easy to reduce schools to less than 50% black, but it is not easy to get no less than 10% minority in all schools. The movement of pupils, when you talk about integration in terms of no less than 10%, is a quite different alternative, not an acceptable one, but one which would be more feasible as an early stage in operations. But, I think you would have to agree that there was an absence of that kind of commitment to these somewhat more feasible alternatives. You are riding very heavily on APEX and those programs which, handled as they are, make a very small dent in the total picture.

Gardner: Los Angeles, with its geography, has very few areas where you can implement on a walking basis even a 50% figure. In a year or two from now, your program has been torpedoed by the migration of the residential patterns across town. This is why at the risk of sounding defensive we keep coming back to asking, "When is someone going to do something about residential patterns and other issues that somehow the school system is expected to resolve given less and less money from the state and its taxpayers to do its regular job?"

Participant: How does the proposal to divide the Los Angeles School System into some 24 smaller districts relate to this problem you are discussing?

Gardner: It will intensify the desegregation question. You're going to find yourself confronted with an intensified concern about rigidity of assignment of teachers, transfer policies, and to a large extent, perhaps less flexibility in moving from school to school across the district to accomplish integration.

Horowitz: I think that legal theory is going to catch up with this situation. To the extent that lines between school districts become impediments to the integration of public schools, we are going to have judicial decisions saying that school district lines are not etched in stone by any means.

national policy

Participant: Mr. Gardner, if you were writing national policy, what would you include that would really get at the basic issues and solve this national problem?

Gardner: Certainly, we have to adopt national policy which establishes the eradication of racial isolation as a high priority objective of our whole system of society. We need a number of techniques for accomplishing that. The schools must do their bit; the municipalities, and counties and states their's in terms of open housing ordinances

and incentives, of employment opportunities, and of guarantees. If it's providing the wherewithal for a school district to bus children within feasible limits to achieve integration, we've got to provide some resources for that. It represents a philosophical and financial commitment.

Gordon: Certainly, you stop doing some things like providing incentives for maintaining segregation. The compensatory programs clearly make it more profitable for a school system to invest in a compensatory program rather than an integration program. So why not reward the district which would take on the problem of integration?

feasibility and de facto

Weinberg: I'd like to comment on feasibility and de facto. In the Pontiac decision in a Federal district court, the board pled that the busing program was not feasible because it would absorb 5% of the total budget. As I remember your figure, the $40 million would be about 7% of your total budget. The judge in Pontiac said that the argument of 5% did not impress him in the least as contrasted with the injury of continuing segregation in the system. Secondly, on the idea that de facto is adventitious, that it just grows up, on which the Los Angeles Board apparently puts heavy emphasis, the fact is, in one big city after another, boards of education have taken actions to further segregation after having been warned that there

were alternatives to the actions they took which would have lessened segregation. In most cases, the school boards have consciously chosen the alternative that would increase segregation, or at least not lessen it. This is hard to square with the theoretical idea of de facto segregation.

I agree with Mr. Horowitz that the court some day will rule on school districts. But, in fact, the U.S. Supreme Court has already ruled on it, in the second Brown, 1955, the implementation decision. The court said that a revision of attendance areas and of school districts should be considered. So we don't have to speculate. The only question is, "Do you need it said again?"

In the President's speech in March on desegregation, he too emphasized what the courts have said and what they have not said. What they have said, we will do; what they have not said, well, we just have to wait. As a matter of fact, there is a very important contradiction in this kind of reasoning, and you can see it in the President's reasoning. He said, for example, that the U.S. Supreme Court has not ruled on the unconstitutionality of de facto segregation. At the same time, he said that the Federal courts are agreed that all faculties have to be desegregated. As a matter of fact, the Supreme Court has not ruled that

at all. The only cases in which the Federal courts, including the Supreme Court, have ruled for faculty desegregation are straight out de jure segregation cases. Yet the President had no difficulty in establishing that evening, March 24, a new legal principle; namely that while boards are not culpable in de facto segregation in terms of students, they are culpable in terms of faculty. I support his conclusion, but I don't believe that it has any basis in logic at all.

"Racial balance" is a term that lawyers have invented. Lawyers are not simple-minded, but they believe in simple formulae. To have desegregation thrown at the court is not enough. You must have a quantitative formula; let's have a try at it. So, California has one, Robert Denton in New York, as a consequence of the Allen Report in 1964, worked out another numerical approach. In the State of Massachusetts, they have a very simple one; any minority school that is over half minority is unbalanced. This became politically significant when, in the 1964 Civil Rights Act, "racial balance" was made a bad word. While the Civil Rights Act says you've got to desegregate, it says you must not order racial balance. God knows what they are talking about. I think we should not really get swamped with that kind of a problem.

Regarding the effects of segregation, I spent some time studying and writing a book on this topic. I've just prepared a second edition, and I tell you that the evidence is overwhelming. When you measure it against evidence in the social sciences, economics, political science, sociology, I believe you are bound to say it is pretty overwhelming evidence.

Participant: I would like to see if Mr. Gardner would go on record to this supposition. Suppose you have figured your budget for the coming year. You have the funds available, and now you are offered $41 million more to institute the necessary busing programs. Will you and your board go on record as being in favor of it?

Gardner: You may misunderstand me, but my answer has to be "no," if you put it in categorical terms. But, you give me $41 million, and I'd be willing to bet you half of it that we can come up with a program that goes farther to accomplish real integration of the schools than just putting it all into buses.

Participant: If you can take half of it and develop a program, then why do you want $40 million?

Gardner: There is a tremendous inclination to over-simplify in these areas. I don't want to raise all the bogies about the things that will happen, that happened

in Washington, D.C., that happened in Chicago, that happened in various other areas, because I don't want to be painted into a corner on the side of Lester Maddox. But, when we start talking about solving very complicated social problems by simplistic solutions, such as putting a whole bunch of kids on a bus and running them back and forth across town, we are missing some very serious steps. I would far rather take that $41 million, plow some of it into busing, some of it into multiplying APEX projects, a lot of it into multiplying our PIE program, a lot of it into projects not yet devised, which our community, our school people, our research specialists and our computer specialists can tell us will have some hope. I will not respond categorically to a question, "Would you put it into busing?", because I think that a simplistic answer misses the mark.

Participant: I see now the reason for the Gitelson report.

Morning Session
May 25, 1970

Resource People
Frank Dunbaugh
Theron Johnson
Victor Labat
Ernest Robles

FEDERAL ACTIVITIES IN DESEGREGATION AND EQUAL EDUCATIONAL OPPORTUNITY

Gordon Stanton: The broad topic is Federal Activities in Desegregation and Equal Educational Opportunity. Since our resource persons this afternoon represent different Federal departments and different titles, we thought that we would let each introduce himself and give a brief summary of his function. Then they will go on to your questions.

Frank Dunbaugh: My name is Frank Dunbaugh, Deputy Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice. I'm a law enforcement officer basically and have worked primarily in the South in trying to eliminate dual school systems. Dealing through the courts, we intervene in private suits under Title IX of the Civil Rights Act of 1964 and initiate our own suits under Title IV of the same act.

legal proceedings

Title IV authorizes the Attorney General of the United States to initiate legal proceedings to desegregate school systems under certain conditions. The conditions are basically that he have a written complaint from a parent, that he be convinced that the complaint is meritorious, that he be convinced that the parent cannot initiate legal

proceedings on his own behalf, and that the filing of the law suit would materially further the orderly desegregation of the public schools. Title IX permits the Attorney General to intervene in existing law suits that alleged denials of equal protection of the law. These are basically racial discrimination law suits including those suits involving school desegregation. In that case, he must certify that the case is one of general public importance. I believe that it was under that statute that we intervened in the Pasadena case.

Participant: Is there any distinction made there between de facto and de jure?

Dunbaugh: Not in the statute.

Theron Johnson: I'm in the Office of Education, the chief of the Northern and Western Operations Branch

Title IV

of Title IV of the Civil Rights Act. Title IV has two parts: one, we can make grants to local school districts, to higher education institutions and to state education departments for technical assistance persons and for the re-training of teachers involved in desegregation; two, that we can give technical assistance to school districts. There is no compliance aspect to this part of the operation. We operate at a funding level somewhere around $12 million of program money.

Title VI

Victor Labat: Victor Labat, Special Assistant to the Director for Civil Rights. We are a Title VI agency of the Federal government established under Section 601 of the Civil Rights Act of 1964. Basically we are structured to investigate discriminatory practices, conduct compliance reviews and attempt to resolve noncompliance through negotiations. In the event of a refusal to correct noncompliance voluntarily, administrative proceedings for the termination of Federal financial assistance or the referral to justice may be initiated.

Ernest Robles: I'm the Senior Program Officer in the San Francisco regional office. I would like to stress the technical assistance role of Title IV. For this reason, we take our authority primarily from the first three sections of the Act, Section 403, 404, and 405, which are funding authorities. Section 403 represents the funding primarily of State Departments of Education to establish Title IV units that will deal with problems incident to desegregation at the state level. Their functions primarily are to help in the planning, adopting and implementing of school desegregation efforts at the state level.

403, 404 and 405

The other section, 404, is the funding of the university and college based institutes which are established to train teachers, administrators and other school personnel

such as bus drivers, secretaries and nurses in problems incident to desegregation. Section 405 provides funding for local school districts for the training of teachers and for the hiring of advisory specialists. As is implied, there has to be desegregation before there is any money. This has been our criterion primarily because of our funding level. We cover Washington, Oregon, Nevada, California, Arizona, Alaska and Hawaii.

bill in Congress

Participant: Can you give me some information about the bill in Congress now which seeks an appropriation of $150 million this year, $350 million next year, and then a billion dollars the next year to aid school districts that are desegregating?

Johnson: There have been several problems on this bill over the past several months, as I understand it. One issue: "Will there be a program reorientation so that the various Departments of Government out of their present budgets 'contribute' to create the fund." At this moment, that issue has not been settled. The second question that came up is, "If there is money, how much is there and how is it going to be spent?"

There are three presently discussed criteria; one, the money would be available to schools that are under court order; two, that there would be money available

to school districts that voluntarily desegregated; and three, that money be available where there is a disadvantaged impact. That third, I understand, isn't too acceptable.

Another debatable issue was that there is no single piece of legislation dealing with funding needs across the wide range of needs. Under Title IV of the Civil Rights Act, there is money for technical assistance staff and for training. Under Title I of ESEA, there is money for remedial and other services. Under NDEA, you could get guidance factors. Under Title III of ESEA, you could have innovative programs. So the debate was, "Do you go for new legislation, or do you put X amount of money over in certain titles?" And then how would you administer it? That has been partly resolved in this fashion: Rather than creating new legislation, the appropriation refers to previous legislation so that there can be financial support for things from the rental of mobile units to community and public education efforts through planning, evaluation, and guidance. The Office of Education would administer this package.

According to the press, the debate this morning in the Congress is on one single sentence which says that transportation can be funded except "solely to achieve racial balance." It is said that some of the Congress

is a little irritated with the administration for including this phraseology.

Participant: According to the Wall Street Journal, some desegregated school districts still practice segregation. For example, Negroes may be in one classroom or one wing of a school and whites in another classroom or wing. What, if anything, is the Justice Department doing to remedy this situation?

segregated desegregation

Dunbaugh: Well, the courts have said in the case of Jackson Parish, Louisiana that they cannot have classroom segregation. We'll enforce that. The article took us to task for not doing anything about classroom segregation when the real problem there in Kemper County is that the plan doesn't disestablish the dual system. Only the black tenth graders are in that high school. We took strong issue with that plan in the Fifth Circuit and asked the court to order a different organization of that school system. We lost, but it was a temporary plan just for this school year. We will again ask that the court reorganize the system for the next school year.

Participant: Before the Pasadena decision came out, we had made a decision as a board to integrate the school system. Judge Real's decision came a week or so before the Gitelson decision came. The Pasadena Board decided

not to appeal; the Los Angeles Board decided to appeal. During the trial, we were assured by Federal attorneys that there would be money to help Pasadena. After the trial we get word, "Sorry there is no money." Last week I received a reply to my letter to President Nixon from Leonard Garment, no title, nothing but a signature, from the White House, saying that there is legislation done with Pasadena in mind that provides funds to help districts desegregate. What is going to be the position of the government?

presidential consultant on Civil Rights

Johnson: In the bill that's before the Congress now, you would come under "court order to desegregate." If the bill passes, there would be money for a wide range of activities, for example, innovative programs, equipment, transportation, and inservice training.

Participant: In the meantime with word coming from Washington there is not going to be any money, the district has moved ahead to pay the cost factors involved in integration, the approximately $800,000 to a million dollars that it would cost us in terms of transportation. With state, Federal and private foundation funds, we have got the district's cost down to about a percent and a half of our budget.

Johnson: The Federal government, in terms of legislating appropriations, has been only less remiss than your own state has been. When desegregation does take place, the necessary reorganization costs money. But, there is no place that you can get any money to move desks and books, for example. New York is the only state that has made some money available for that. If your state would approve it, you could readapt your Title 1. As I understand, California didn't like to approve such changes. The attempt in this new bill is to put money into those categories where it has not been before. The thing that is likely to hold us up is that bugaboo of transportation. Suddenly, we want to get off wheels.

Participant: In that same legislation, are there any proposed incentives for voluntary desegregation?

Johnson: Yes, the voluntary is Item #2. One would have to be realistic and say that the whole thrust of this is really to help the Southern districts that are under court order. Voluntary category #2, after all, isn't too frequent in this country anyway.

Participant: We were studied by the U.S. Office of Education out of the San Francisco office fourteen months ago. Supposedly, the report is in Washington, but we haven't had it yet. We were told that we could

get absolutely no funding through HEW until there was, in fact, a plan formally approved by the board. I'm wondering how that squares up with what you said earlier, that in the planning stage prior to the time of implementation there can be some funding available.

funding

Johnson: I think your reference is to funds in Title IV of the Civil Rights Act, because Congress has never appropriated any money for those costs which are involved with desegregation, voluntary or under court order. Our legislation says that we can fund a desegregation plan or the problems which are incident to that. Your board hasn't decided yet whether you're going to desegregate or not. We in Title IV will have to wait for the approval of your plan by the board.

Participant: Did you say that nobody really desegregates without court order?

few voluntarily desegregate

Johnson: No, I suggested that the number of school districts in Northern and Western states that have voluntarily made the decision to desegregate are relatively few.

Participant: What is your feeling about that from your position? In other words, why, or how should it be different?

Johnson: Having been a superintendent myself and having gone through that training, I know that superintendents are rather effective technicians. But, none of our training ever helped us face this particular issue in education. I think that's one thing. I think a second matter involved is that we've gotten so involved in this country in what's called local control that we've begun to believe that myth, and states have not taken their leadership role. The two arms of government, both the Federal and the State arm, have not used their many sanctions on the issue of race in education.

On the other hand, elective boards have a difficult time because of the strong pressure from their constituency. They have not been supported by the state or by the Federal government. I think, by and large, that the administrative staff within school districts has not been able to marshal the educational parts of it. I don't know any educator who would say publicly any more that you can have good education in isolation. But, we want definitive research on the "goodness" of integrated education. If we in education operated on that basis for everything else we do in a school day, we'd have to toss the whole thing out. So here we are worrying "should we or shouldn't

we?" rather than asking "how do you do it in an educationally sound way?"

Participant: In instances where one board adopted a plan for desegregation and then a new board revoked the plan, which plan would be upheld?

Dunbaugh: The court will tell the new board what the law requires of it and require them to do that.

Denver case

Johnson: There is a specific case on that, Denver. The Denver board adopted a partial desegregation plan. A new board was elected, and they revoked the plan. Immediately, attorneys took them into court, and Judge Doyle signed an injunction on the board which was upheld. The opinion, in short, was that a board rescinding a desegregation plan was making a racial decision which brings it under the Fourteenth Amendment. As I understand it, a number of school districts are being advised by their counsel that once you make a decision and rescind you're going to be in court immediately.

Participant: In seeking clarification of transportation and busing, I've heard several conflicting reports from different sources. Which is it, does the government forbid or encourage transportation for the process of integration?

Johnson: Well, you name the address in Washington, and then you can get the word on that. It also depends

on what newspaper you read. Seriously, a lot of money in Title I, ESEA, has been used for busing, some for desegregation. Transportation, by and large, is paid by states and local districts.

There has been a lot of debate in terms of HEW plans under Title VI in the South. The HEW plans in the South that have been either submitted or approved have usually reduced the amount of busing. It was amazing how many miles black kids and white kids had to go to stay away from each other. It's fantastic the amount of money that the states were putting into it. One would have to observe that "busing" is just one of those very emotional words which has now preceded sex and religion as a controversial subject.

busing and the law

Participant: I have heard that busing for the purpose of desegregation is specifically forbidden by law.

Dunbaugh: Let's put it this way, the appellate courts haven't said that busing is constitutionally required. However, although it isn't a widely accepted judicial principle at this point in history, some district courts have said that you have to cross-bus to achieve integration. Additionally, if the school board decides to bus, there is no prohibition against it. The '64 act doesn't say

what it's alleged to say. People say that it forbids busing. It does not.

After establishing that the Attorney General can initiate a lawsuit, the act says, "nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the courts to insure compliance with constitutional standards."

All this says is, that Congress, in authorizing the Attorney General to start a lawsuit, did not mean to tell the courts that Congress wanted racial balance regardless of whether it was constitutionally required. They weren't authorizing the court to do something that the court wasn't already authorized to do under the Fourteenth Amendment. And if the court decides that the Fourteenth Amendment requires racial balance, then the court is going to order busing to achieve racial balance. The act doesn't prohibit the court from doing that.

Robles: This is probably the most quoted clause in the Civil Rights Act. The interpretation that we have from our regional general counsel is that this is a restriction

on us as Federal officials; that is, that we cannot go and tell the board that it is going to do it this way, but that the board can order or can have busing in order to accomplish desegregation.

Participant: We're developing a desegregation program which probably will involve cross-transportation, but we're also in a tight budget situation. In a year or two from now, we may eliminate transportation. Are we apt to get a lawsuit slapped at us saying we have a desegregation plan, but we're making it unworkable because we're not providing transportation?

Johnson: I will say, "Yes." And you're likely to get a suit from some other citizens that will sue you on the count that the board should not have thought of eliminating segregation in the first place. We're getting very close, lawyers tell me, to the court saying segregation for whatever reason is in violation of the Fourteenth. I understand that a number of members of Congress have considered changing the Civil Rights Act to say that isolation for whatever reason must be dealt with, and get away from racial balance, get away from segregation and the whole thing. In fact, there are a number of court cases that deal with it on that matter.

Participant: Has President Nixon been protected from that assumption?

Dunbaugh: In saying that racial isolation is a bad thing, Mr. Nixon agreed with the Kerner Commission and with the Civil Rights Commission. He says that school boards should do what they can to minimize the racial isolation. He also says that he doesn't think the whole burden should be on the school board. There are situations that make it virtually impossible for the school board to eliminate racial isolation.

housing and desegregation

Johnson: What impact would it have on open housing, if there were no relationship between where you resided and where you went to school? As Meyer Weinberg's research pointed out, the neighborhood school didn't come into the literature until 1954, interestingly enough. Research on housing and residential stability in other than your 40 major cities indicates that desegregating a school has a great impact on residential development. Go back and read the Grier's studies. For reasons that are hard to explain now, the idea was created in public education that if you bought in a certain place you could then go to a particular school. In a number of school districts, housing hasn't been an issue after the Board of Education once decided who goes to school with whom, where.

Participant: Assuming that our district is segregated and we are taken to court, what liabilities and financial penalities could result from that suit?

Dunbaugh: Since it's not a criminal suit, we don't seek to impose criminal sanctions against you. We ask the court to require you, with the assistance of Title IV people, to develop a plan for desegregation in your school system. School boards are required to do whatever is educationally sound and administratively feasible to minimize racial isolation. That may mean that, having done all that you can to minimize it, there may still remain some racial isolation.

Participant: I am talking about enforcement. If you have a law, you have standards to observe. If you fail to observe those standards, there are certain penalties that result if you are found guilty for violation of standards. I haven't seen any standards here for segregation or desegregation.

Dunbaugh: I was suggesting that you need to examine the various alternatives available to you in terms of redistricting, changing the grade structure, adopting different policies with respect to school size. These devices would permit you, within the bounds of feasibility, to minimize the racial isolation in your school district. Beyond that, the next thing we look to is whether the students of the minority group are getting the same educational benefits that the white students are getting. We look

deisolation and equalization

to output, particularly in those schools that remain minority schools, if any do. This is an area we are just beginning to explore, and lawyers need advice from educators as to the remedies which should be enforced.

The Federal government has not been as active in the North and the West as it has in the South, because the problem in the North and the West is a little different problem than the one we have been dealing with in the South. There we were dealing with the classic dual system where two schools serve the same grade in the same community. That situation is being eliminated and will largely be eliminated by next fall. Somewhere between 80 and 100 school districts out of the 1500 in the South are left uncommitted. They're either not in litigation or not committed to a voluntary plan for desegregation. We'll get that problem behind us very quickly, and start to look harder in the urban areas, North, West and South.

Participant: In the area of legalisms, what are your measures for output, and how do you enforce them?

Dunbaugh: I don't know. I came to try to find out.

Participant: Ultimately the question has to be faced. Those of us who deal seriously in the realm of educational opportunities for youngsters are faced with legal definitions. Even when you mention the word "output," do you

know if it is really equal. It seems to me that this is an enormous bog to get into, and we wouldn't know how to approach it. I am thinking of an instance where a district would actually be in court on outputs. So you have no ultimate weapon to coerce equality of opportunity, do you?

Dunbaugh: Well, I think you do. First of all, courts can't just dogmatically hand down a lot of principles that are going to be applicable to everybody.

Participant: Well, I would suggest that we are on a hang-up of assuming that the process of integration will naturally bring forth equality of opportunity within the institution. Would measurements even be necessary?

Dunbaugh: I think that if a school system has, in effect, racially balanced its students, then it isn't going to get looked at about outputs anyway. It is a practical matter.

Johnson: If one would do cost accounting where you have racial separation, you will find a differential. Leaving out Federal money, your black schools spend less per pupil than your white schools.

Stanton: I would like for the group to discuss two things. Let's consider Theron's question, "What if there were no relationship between housing and schooling?"

Also since you panelists have been to other conferences like this, I wondered if you would compare this conference with others, for example, those being held in the South?

Dunbaugh: I've attended meetings throughout the South. In each place, we've notified the remaining school districts that they would have to get into compliance by next September. Those meetings are easier than this meeting for me, because in those meetings I can tell them pretty clearly what they have to do and when they have to do it. They are on borrowed time now as far as the courts are concerned. Any continuing segregation they have had since February 1 has been in violation of Carter vs. West Feliciana Parish School Board.

This meeting is harder because we are exploring an area where the courts are uncertain. All I can do is take the standards that we have applied in the South and continue to apply them here. The school district's first obligation is to make every reasonable effort to minimize racial isolation. If they still have racial isolation, then they must see whether they are doing enough for the kids in all-black schools or all-Chicano schools. Those kids must be getting the same educational opportunities.

Though the government hasn't adopted a policy on output, it seems sensible to me to talk about it. We've

got to figure out how to measure results; we've got to find answers that we don't have now. I hope that we will find answers in a few months. I will say this about timing, it won't be long before we'll be able to come back and tell you that your time has run out.

Hartley: Has there been any shift of personnel to the North?

Dunbaugh: There is some beginning of a shift now. Title VI made a shift a year ago though.

Labat: There is an increase in personnel in regional offices in the North and in the West at the present time.

Participant: You seem to be saying that we have several laws that mandate integration and racial balance in schools. What if you had a situation where technically you may be imbalanced, but the people like it and the kids, as far as they are concerned, have equal educational opportunity? I thought for a minute you were saying that that would be acceptable.

Dunbaugh: Since you are subject to California laws, you will presumably have to follow California's formula for racial balance. But, as a matter of Federal law, there is nothing at this point that requires racial balance. It's just not there; the courts haven't said that.

district boundaries

Borrowman: Do you anticipate that either through legislation, Justice Department action or litigation that there will be an assault on district boundaries?

Dunbaugh: In some Arkansas cases where there were de jure situations, the courts said that the district boundaries would have to give way. However, I don't know how district boundaries in California got drawn. If we see an all-white district next to an all-black or an all-Chicano district, then we are going to look for reasons why and for possible remedies.

Participant: Our boundary lines were drawn by the State Legislature. But how are the district boundary changes going to be brought about?

Dunbaugh: I am guessing, as a lawyer does from time to time, that someone might read the Fourteenth Amendment and find out that it is directed to the state. They might sue the state and ask the court to order the state to desegregate its schools. If that requires changing the district lines, that's what it requires.

Johnson: The first assault should be on the differential amounts of money behind each pupil. There are two cases on that already. Based on an old state law, the state education department in Ohio disassembled a black school district, assigned the students to adjacent

districts and reapportioned some of the tax base and taxes. Everyone knows that the present suburban-urban districting makes no educational sense. The best prediction that I have heard is that within ten years that will go, and it will be on the one man-one vote principle applied in a new context.

Weinberg: In the state of Michigan, the governor has recommended that local financing of schools be replaced by a statewide property tax. This will do away with the problem of referendum.

Gordon: In the area of de facto segregation, what is the time schedule for further clarification in terms of pending cases?

timetable

Dunbaugh: In the Memphis case, Chief Justice Burger expressed the view that the court ought to direct itself to these questions. It's possible that it could come up next term. I would not expect it to be heard until fall and decided until winter or spring. It could come up in the Little Rock case in which a zoning plan offered by the Little Rock School Board was turned down by the Eighth Circuit because it didn't accomplish enough desegregation. However, the guidelines about what was required were not very clear. It could come up in the Singleton case in Jackson, Mississippi, in which the judge put together

a composite of an HEW plan and a school board plan, including geographic zoning and pairing. Though its standards were unclear, the Fifth Circuit rejected the plan because it left too many all-black schools. It could come up in the Tampa case. The Fifth Circuit held that where equidistant zoning ended up in all-black zones the board would have to pair at least along the fringes to try to reduce the racial isolation. These cases have been decided by the circuit courts and could be taken up to the Supreme Court and heard next term.

Stanton: You suggested that the dual system could be wrapped up by next year; that is 17 years after Brown. Are you also suggesting an equivalent time table for de facto?

Dunbaugh: I would expect not. In the Holmes vs. Alexander case, the Mississippi case, we asked for a delay, but the Supreme Court turned us down. At that time, many of the justices made it clear that they thought it was a mistake to talk about "all deliberate speed" in 1954, and they wished they hadn't done it.

desegregate now

Johnson: In studying a number of school systems across the North and the West, I have yet to find a place where there is "pure" de facto segregation. In my opinion, there is no such thing as de facto. Decisions on school

building size, on where sites were chosen, etc., have been made by boards where there have been other choices. I am not suggesting that all of these decisions were racially motivated, each individual act, but the combination of all these acts and decisions would lead any reasonable man to conclude that this was not accidental. In terms of attendance areas where you have population change, you will find a free-transfer area in almost every district, an escape clause for whites. Or you will also find that, if it's a growing district, there have been decisions on where schools should be built and on sizes of schools.

Participant: If you define every board decision as de jure, then by definition everything is de jure. To defend some of our ancestors, I would suggest that it would be difficult to establish the intent of bigotry or racial discrimination in many past school board decisions, even though it may have ended that way forty years later. I think that the de facto concept is still a legitimate one.

Johnson: You will have to note that in Northern and Western court decisions, leaving the Southern court cases out, that this so-called legal distinction between de jure and de facto has almost been obliterated.

Dunbaugh: I'd like to look forward rather than backward, and it seems to me that what the Fifth Circuit was saying in the Jackson and in the Tampa case was that the school board should look at the alternatives available to it and pick out the one that minimizes racial isolation. That's the present obligation, and the Fourteenth Amendment prohibits the school board from adopting a policy of minimum desegregation. The board must pick out, among the alternatives that are available and feasible, the one that does the most. The feasibility question is a question of fact, and they have to litigate what is feasible and what isn't.

minimize racial isolation

Participant: It's taken seventeen years for the legal ramifications of de jure segregation to catch up with us. The nitty-gritty of this conference is the distinction between de facto segregation and de jure. In my viewpoint, I see none.

Participant: In terms of at least the West, much of the legal aspects seem confused and undetermined. The Federal government encourages the local school to take a specific stand and select the best alternative, but that puts school boards on the spot because so many communities are saying, "Well, where is your evidence for what you say you have to do? What exactly do you have to do?"

Labat: Let me read a section of the Civil Rights Act which refers to the enforcement activities of Title VI. "No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." This refers to the local school districts and to the state departments of education not only in the field of school desegregation, but in any program accepting Federal funds.

I am sure that your experiences in dealing with Title VI, the enforcement arm of the Department of Health, Education and Welfare, have been extremely limited. There have been investigations in certain California school districts up to a point by Title VI. If our investigators find that discrimination is severe enough, they can recommend to the Office of General Counsel in Washington that certain steps be taken. Your option is to negotiate with Title VI to eliminate the disparities that exist within your school system, or you may go the route, you might want to fight it all the way. In this case, there is a possibility that your particular district could have all its Federal funds terminated, if you do not comply after a certain period of administrative proceedings.

precedents

I'd also like to say that in terms of school desegregation court proceedings coming out of the different circuits in the South, almost every aspect of desegregation has been acted on. For the rest of the nation, there are more or less clear-cut court decisions and opinions detailing what you can and cannot do in terms of eliminating discriminatory practices within your school system. These could be good guidelines for boards of education and superintendents to use.

Participant: Much of what we've been asking about is how far we can go before we get caught. There must be higher motivations for all these people of good will on school boards and in administrative positions. I'm not so sure that our panel couldn't help us to act on that level rather than one of reacting when we get in a bind.

Participant: Most of us here in California received from the State Board in December a letter telling us that we had to desegregate any school that was not racially balanced. So, most of us went ahead and did the best we knew how. Then the State Board came out and took that all away, and the boards wondered what they should do. We went to a Princeton plan, but we are small enough to do this. Because of the State Board's decision, one of

our board members, a lawyer, thought we should go back to the people. The State Board does not in any way help any board in California.

Participant: Earlier it was stated that the State Department of Education would be mandated to take action on equal education. Will that mandate require equal expenditures for students regardless of race or other factors?

Johnson: The U.S. Commissioner of Education sent a memorandum to chief state school officers that said, in essence, "There has to be equal expenditure for your majority and minority students before you can utilize Title I." Within a few days, the Congress, however, passed a regulation which said that school districts that were using Title I to supplant local funds rather than supplement would have two years to come into compliance. So Congress used an amendment which stopped Executive action.

equal expenditure

Participant: Federal guidelines do not require balance in schools, but they do require the minimization of racial isolation. Therefore, is it also the law of the land that we should employ, where necessary, compulsory attendance zoning in order to minimize racial isolation?

Dunbaugh: If that is the way you ordinarily assign students, by compulsory attendance zoning, then that is what you employ.

Participant: Therefore, if busing were provided depending on where you were living, then compulsory cross-busing would become the law of the land in that case.

Dunbaugh: It is very hard to deal with any situation hypothetically. You just have to look at the facts in every school district.

Participant: Let's take a specific one, a large school district both in numbers and geographical area. Minority groups live in one particular area. There is a ghetto, and schools have been built in that ghetto area. Thus, they are segregated either by de jure or de facto. There is a district policy to provide transportation if you live beyond a certain distance from the school. If we move then to de-isolate those schools, and in order to do so must force people to go to something other than a neighborhood school, then what is being required is forced busing. This is true as long as the normal busing policy is kept, i.e., if you live beyond a certain point you were entitled to busing.

Dunbaugh: Presumably, if you live beyond a certain point, there is no school in your neighborhood.

Participant: Well, suppose that your neighborhood includes attending school across town; that's your neighborhood for a school. You're assigned to a school across

town to bring about racial balance or de-isolation. I am not sure how you can really isolate compulsory assignment and, perhaps, transportation of students from the principle of racial balance or eliminating racial isolation.

Dunbaugh: Well, I think the difference is really a matter of approach. Some people have tried to approach this thing from a result standard, a result test. A district in Georgia tried that. The Pasadena Board used the result test saying that no school should have more than 50% minority students. California apparently has used a plus or minus 15% result test. That's one way to do it, but the problem with that is that it doesn't take into account the individual circumstances of a particular school district.

result test

There is a district in Florida where you have an isolated community out in the middle of the Everglades. You can't get that 15% plus or minus there unless you bus the kids 50 miles which doesn't make sense to anybody. That's the reason I don't particularly care much for the result test, and we haven't applied the result test when we've gone to examining plans that have been offered in court. We look at the plan, the demographic information, the information on where the schools are located and what the capacities are, and we try to determine if there aren't some fairly simple alternatives that would improve the

picture. In the Green case, the Supreme Court used that standard to some extent. It said that where there are readily available alternatives that would do a better job of desegregating, the school board has a substantial burden to justify its preference for the least effective alternative. The Fifth Circuit has started to use this test, and it's the one that makes the most sense to me. That means that the school board has an obligation to find out what the alternatives are. You don't end up with a result of racial balance necessarily.

Johnson: May I ask a question? This panelist is a little confused. You said this board of education passed a neighborhood school policy. How did it define neighborhood schools?

neighborhood school

Participant: Well, if you live in a certain area you attend the school closest to where you live.

Johnson: It defines neighborhood school by geography and mileage. What's your mileage?

Participant: It varies greatly depending on how thick the population is.

Johnson: So your neighborhood school is a sliding definition. That's interesting.

Dunbaugh: There's a real difference to me if you talk of assigning a child to the school across the street

from his house and assigning a child to a school thirty miles away. If you have a child out in the boondocks who must be bused thirty miles, then it's unreal to say that he has a neighborhood school. In determining what school to assign him to, you may well have to take race into account.

Participant: Whether you provide busing or not, we have found that voluntary enrollment systems do not achieve our objective. It doesn't bring about this balance or nonisolation. It seems to me that the only other alternative is compulsory. You must force people to attend schools other than the one they would prefer to attend, or that they would normally attend by location, in order to bring about this balance.

Dunbaugh: I'm not sure what you mean by "normally, by their location." You are right about forcing them to a school they may not prefer to attend.

Participant: Let's suppose there is room in a school next door, but you said, "You can't go to that school; you must go to a school way across town or somewhere distant from there."

Dunbaugh: We haven't seen that.

Participant: I'm asking, "Is compulsory attendance at schools other than those preferred a part of the law of the land now?"

Johnson: Look at your state statute, who has the responsibility for assignment to buildings?

Participant: The school board.

Johnson: Right. So every time you assign somebody to a building you are forcing them to go there. So I presume then, what you call force is already the law of your state.

Participant: Yes. Now, is it the law of the land to come in and change that where it results in racial isolation, to force a school district to change their assignment in such a way that you no longer have racial isolation?

Johnson: Well, I would guess that all your school boards would have to do is to redefine neighborhood schools.

Participant: Would you as a panel, speculate on the likelihood of elimination of racial isolation becoming the law of the land?

Dunbaugh: From Brown, 1954, until Jefferson County, 1966, the courts were talking primarily about the right of the individual black student to a desegregated education. As a result of that, plans proposed by school boards had to do with opening up the white schools to attendance by black students. Basically, they were transfer plans. Free choice was an extension of that. In Jefferson County,

transfer plans

the courts, focusing on the system as a whole, proposed that what was required was not simply that the school board had to make white schools available to black students, but rather that what the school board had to do was to entirely reorganize its system; faculty, transportation, student assignments, extracurricular activities; to make it a unitary system that did not have racial overtones in it. With the change of that focus, we come to the Green case by the Supreme Court in 1968, which really affirmed that point of view. We are now talking about school districts converting from dual to unitary.

dual to unitary

At some point, we may see a shift back to talking about the right of the individual student. If the courts were to adopt the view that every individual student has the right to an integrated education, then the de facto housing patterns won't stand in the way of the right of that student to attend an integrated school. The courts will probably come out with racial balance.

Another possible way that the courts might emphasize racial balance, it seems to me, is the equal educational opportunity idea. So far we are not requiring racial balance, rather if you are ending up with all-black schools you had better be sure that the kids in those schools get as good an education as any other kid in the system.

I say this because, if the courts are frustrated time and time again in their efforts to achieve an equal opportunity for the black kids in the all-black schools, they may turn to racial balance, not as a constitutional requirement, but rather as a matter of relief, saying this is the only way that we can get the school board to stop cheating the black kids. We've ordered them to stop cheating, and they still cheat. The only way we can stop them is to racially balance.

Afternoon Session
May 25, 1970

Resource People
Mr. Reuben Burton
Mr. Ted Neff

STATE ACTIVITIES IN DESEGREGATION AND EQUAL OPPORTUNITY

Stanton: At the end of the morning, we were asking specific questions about the position of the State of California. To continue along that line, we have with us Mr. Reuben Burton and Mr. Ted Neff. I hope that you gentlemen will feel free when the "what do you do?" questions come up to throw it back to this group and say, "Okay, what do we do?"

Participant: Before we begin, I want to share some of my feelings with you, not for your reaction unless you feel motivated to do so. A few of the basic issues of this conference are falling along the wayside. We have touched upon the ideas of good faith, as judged by the courts, being demonstrated by the local boards in their efforts towards desegregation. There is another side to this aspect of judging of the board's good faith, that of the black consumers in your school districts.

To many of your black consumers, de facto and de jure segregation are nothing more than the white man's terms to cloud the real issue. The issue is that black children are receiving unequal education to white children in

segregated schools. We have had lengthy discussions about the legal ramifications of desegregation, such as what kind of penalties can we expect, and about forcing people, and I am sure that meant white people, to attend schools they do not want to attend. The government seems to be picking on schools when there are other areas of segregation such as housing, jobs and so on. There was great ambiguity and double talk about segregation on the part of the Los Angeles Board of Education. The disproportionate concern with the laws and guidelines of desegregation implies that the school districts with these concerns are looking for the minimum amount that can be done for desegregation rather than for the maximum use of resources to end racial isolation in the schools with all possible speed. All these years, black people have had an unshakeable faith in the powers of public education. If this kind of rhetoric and this kind of concern are filtering down to your local communities, it cannot help but erode at that faith in public education.

Stanton: Do I hear any reactions now. . .If not, Reuben, why don't you describe your assignment?

Reuben Burton: I am a Consultant with the Bureau of Program Development, Division of Compensatory Education, State Department of Education. I hope we won't lose

sight of what was just said. There are five bureaus in the Division of Compensatory Education. I am concerned with program development, particularly Title 1, of the Elementary-Secondary Education Act.

B.I.R.

Ted Neff: Consultant in the Bureau of Intergroup Relations, in the Department of Education. The Bureau, established in 1964-65, grew out of a concern in 1958 that certificated personnel in California, especially minority certificated personnel, were subject to various kinds of denials of equal opportunity in the educational employment picture.

In 1963, the Legislature passed Senate Bill 170 which said: In problems in school attendance practices related to ethnic distribution of pupils, school districts may, upon their request, expect some services from the Department of Education. Established in 1964 with two consultants, this program became a bureau and, with the Civil Rights Act of 1964, entered into a contractual relationship with the Office of Education. Now, ten professionals in the Bureau of Intergroup Relations serve, upon request, districts in questions of school attendance practices, ethnic distribution of pupils--desegregation, if you will--equal employment opportunities, and improved intergroup relationships among students of various ethnic and racial groups.

Stanton: We have had a call for maximum effort instead of minimum compliance. In your observation of districts in your work, what comments have you about that sort of split?

Neff: Let's think in terms of us as individuals and our roles. In applications for grants or contracts under Title IV, we are supposed to answer several questions, "Who are we in terms of desegregation? What are we doing in terms of desegregation? Where are we working at it in substance? What is our time table?" In our official capacity and our personal capacity, all of us have responsibilities to youngsters. But, I keep hearing at this and various other conferences, "What do we have to do for 'those' people?"

minimum compliance

There is a continuum in the desegregation process in terms of who we are and what we are. At one end of the scale is racial and ethnic isolation characterized by a process of avoidance and evasion. As the process moves out of avoidance and evasion, we go into coping with the problems incident to desegregation. I take this language out of the Civil Rights Act. At the end are solutions. Where are we in terms of this continuum? Are we avoiding, are we coping or are we short-circuiting

maximum effort

this whole thing by looking for solutions from somebody else for "those" people.

You say to the State people, "You don't have any answers for us"; the Federal people, "You don't give us any guidance or funds." All this is true. In part, the answers to the questions come through legislation. Two years ago, we helped write a bill which Assemblyman Bagley carried. Similar to the New York legislation, the bill provided money in case you wanted to do something. We started out with $2 million, and everybody said you will never get that kind of money. So, we came down to $750,000, and we could not get support from the education establishment as a whole for that mild bill. Why? Again, we should ask ourselves, "Who am I in this process? What am I doing? What is my time table?"

Burton: I have heard people say that Title 1 promotes segregation. But, where a district has a commitment to integrate the schools, Title 1 can aid. Title 1 is not in itself a program of integration.

Title I and integration

So often districts, and particularly districts under court order, will say to us, "Can we use our Title 1 funds to integrate our schools?" In some cases they are wanting to completely finance their total transportation of pupils out of Title 1 funds. Our question is, "Where

is the commitment for the district?" It is a district problem, not a Title 1 problem. Title 1 is over and above district effort. So often Title 1 is used as an escape bill to say that if we can use Title 1 monies we will integrate our schools.

Participant: What is Title 1?

Burton: There are several titles under the Elementary-Secondary Education Act of 1965. Title 1 provides compensatory educational services to youngsters who are capable of completing a regular school program, but because of language, cultural, economic and environmental handicaps, cannot.

I would like to discuss another thing that disturbs me. Throughout the state, the people who are making the decisions for programs affecting minority youngsters, by and large, are not minority people. Within the State of California, you can count on one hand the minority people who are on the decision-making level in your large districts where the majority of Title 1 money is going for black or brown youngsters. Again, I see the problem of planning "for" those people rather than "with," or having those people plan for themselves.

Participant: Many school board people and administration people are ready with the commitment, but do

not feel that the average parent is demanding a commitment.

what must we do

When we say, "What is the state saying we must do? What is the Federal government saying we must do?" we are looking for a way to strengthen our position at home, rather than a way to get out of advancement. We would like to know what we are talking about, so we can make a better case, not see how much we can avoid.

Neff: I wish the Federal government, the Congress, the State Legislature, the Board of Education and the courts were more clear. I wish that Title 6 had not gotten tied up in all the machinations of bureaucracy. Given the disarray in the authority structure for leadership in education on this issue of racial and ethnic isolation, someone's got to keep the faith. If you people in the leadership positions at the local level lose that faith, you are giving everybody else in the authority system that much more reason to cop-out. You people must take some risks, so that those of us who are in this bureaucratic structure have some clients to work with.

Participant: But, this causes many problems, and I think that Pasadena is a good example. There you have a board with a commitment for integration and improved educational instruction. We are subject to recall; it could well happen. Now, what good does it do us to be

in this position when the community is riddled with problems, torn to pieces with the whole idea of integrating.

We need support statements from the Federal government and the State Department of Education, but we are not getting them. The people will follow if they think the laws and the legislatures and the Federal government are supporting us. But, they are quoting all the things on the negative side, all the lack of support kind of things and here we are hanging.

Neff: You and I will rest better having kept whatever faith that we are given responsibility to carry out. I know it is a risk for you to take the positions that you've taken in Pasadena; it's a risk under certain formulations for Reuben and me to be here in a policy setting that is continually eroding. Our State Board of Education will be in court tomorrow to answer for their stewardship. They've got to sleep at night, too.

position statement

Burton: Many of us have asked for a definitive statement of position. We have been unable to get it at that level because of the bureaucracy and so forth. We need your help in getting these kinds of statements. Rather than your saying to us, "How can you get these for us?", what I think we need to say is, "How can we get these for us?"

Dunbaugh: I keep hearing school people say, "I wish the Federal government would tell me what to do." If you are looking to the courts and the law enforcement agencies for educational leadership, then the education system is in real deep trouble. The law enforcement agencies chase outlaws; it doesn't make sense to look to us for educational leadership.

Participant: I couldn't agree more. We are saying, "Someone must lead the way for us," yet supposedly we are here as educational leaders. Until, as board members, we make a commitment to desegregate our districts and plan programs that will educate all children, we are going to continue to spin our wheels. We can't wait for the State Board to set guidelines for us. We know our own districts far better than any remote government agency. I'd like to talk about how we prepare for education in a desegregated community.

Participant: I would like to talk about a program we developed to help Anglo teachers understand the language hang-ups of Mexican-American youngsters. In one district, almost 100% of the teachers participated. We worked a situation where the teachers received credit from the university. But, it takes leadership on the part of

school managers to say, "Here is something worthwhile, we want all the people in the district to participate."

The other day, I realized that all the employees in the County Office of Education need to be involved in the second series, which deals with the unconscious cultural clashes that exist between the Anglo community and the Mexican-American community. So, I'm developing a specific program for all of our employees. This will require community consultants, Mexican-American people who understand the concerns and problems. I am speaking of Gilroy Unified District in the Santa Clara County Office of Education.

elected official

Participant: As a board member, I'm a politician because I'm elected. One of the problems we have here is the difference between the administrators and the board members. In a group like this, you talk about technical improvements and educational advances, and we interpret all this from the contact that we have with the people that put us in office. The board members from San Bernardino talked about timid board members, but you have to interpret the feeling of the community. If we don't get a bond issue passed, and we don't have the money, we understand that something is wrong.

We had a situation that we did not feel was being handled properly, and we did not renew the contract of the superintendent. Immediately, we were faced with recall. The way things are now you can't even make a solid judgment based on your responsibility without the community splitting apart politically. We cannot operate with the continual condemnation and the lack of faith that is expressed.

We need community people at board meetings, but they rarely come. Another thing, we cannot solve any of these problems in an atmosphere of violence. We just cannot do it. When we are crying for school dollars, we can't come to school on a Monday morning and find $40,000 worth of damage. We cannot explain that to our constituencies.

Also, we are moving so fast technically that the general constituency hasn't accepted it. It would be ideal to look at that map and not see all the black, brown, and white spots, then we wouldn't have any busing problem. But, there's got to be patience in a democracy.

decision in Riverside

Participant: With respect to the timidity of the board, I'd like to speak about the Riverside Board five years ago when they were under the gun. Faced with demands from the black community, they adopted in a period of six weeks a full integration program. They had no more

reason to believe that the community would support that move than I think San Bernardino has at the present time. However, they didn't take six months to sound out the constituency. In fact, the decision came so fast that the forces of opposition could not be organized. The important thing is that a year ago when the Riverside community was, in fact, polled in this particular matter, more than 90% of the people said they would not go back to segregated schools.

Neff: Where are we, as individuals, in this transition from avoidance to coping with problems, from segregated to desegregated to integrated education? The Civil Rights Act is focused not on integration, but on desegregation as a process. Some of you are upset about the state's defining this process of going from segregation to desegregation as an arbitrary, 15% deviation problem. It is arbitrary, but it gets people involved and gives a point from which to work. When a school goes beyond a particular point in its ethnic composition, it is either on its way to segregation or to desegregation. The state has said that at an arbitrary point there shall be some intervention. These are mechanistic and bureaucratic, but we need them.

For example, we've had school districts say in their Title 1 applications that every one of their schools is integrated. They didn't even bother to say desegregated. When we looked up their data in our State Ethnic Survey, one school district had one Anglo family in an all-Chicano school, and they were claiming that this was an integrated school. There is a point where government and policy bodies, and you are on policy bodies, must be arbitrary, but the other test is, "are you capricious?"

arbitrary not capricious

It is time to say, "We will stop this process, insofar as reasonably feasible, relative to our resources, relative to the best possible job we can do." At this point in history, this is all the California regulations are talking about.

Participant: When we talk about matters of racial equality, I don't see how anyone can talk about being patient. An urgency is upon this country, and when an urgency is upon us, we cannot be patient.

Burton: The responsibility for desegregation, in fact, has fallen to the minority black or brown community. If we look at all the evidence on the effects of racial isolation, we have to turn our thinking around. White kids are being damaged. Look at what is happening on college campuses. We tend to think of what we need to

do for black and for brown kids, when we really need to think in terms of what we need to do for this country. If you were thinking about what we need to do for white kids, I submit that you would have integration tomorrow.

Participant: Some say that in the future district lines may be eliminated. Is there anything being done at this time in the area of involving all-white communities with closed doors?

Burton: A Title III program operating in Alameda County called, "Planning Solutions to Urban Educational Problems," involves nine urban and suburban school districts and parochial schools. This involves predominately white and predominately black schools. Unfortunately, there is no more Title III money for the program. After an investigation by Ted's office, this program evolved because the Oakland Board verbalized a commitment to integration. But, they said, "Our problem is, we're 32% minority in this district; there are not enough whites to go around. The only way we can do it is if we involve the surrounding communities, but they will not cooperate with us in this venture." This program was designed to show that they will cooperate, and they have for three years.

Participant: I was saddened to read Dr. Kenneth Clark's quote to the effect that he has now come to the conclusion that black children are expendable. As a result, he has started to study the white child. If he can prove that the white child has been damaged, then perhaps we can look for further desegregation.

Neff: Dr. Clark's testimony was submitted to Senator Mondale's Committee on Equal Educational Opportunity. Dr. Clark traces much of the unrest among white middle and upper class children to the racial, ethnic and socio-economic isolation in communities and schools. We must examine this sociological and psychological data to find ways to change quickly our institutions and the people who function in them. Patience is passé; there is no more patience.

patience is passé

The racial and ethnic isolation we have now in California will not compare with what we will have in the near future, given the shift in majority and minority group percentages and no changes in district boundaries and in district attendance practices. Instead of several districts being beyond effective desegregation, there will be many, many more. We will be in the same situation as the ten largest districts in New Jersey that are powerless to comply with the state superintendent's edict to develop a desegregation plan.

For these districts, desegregation is no longer a viable possibility.

In California, we have some flexibility in all of our large districts except Oakland; I do not except Los Angeles. Los Angeles has a size problem, but, on the heels of their ad hoc committee report in 1963, they could have established a number of sub-system approaches to solve their racial isolation problems. Los Angeles is making excuses to the court in saying that it would require all of these things, including money, in a resistant community to desegregate the whole of the district overnight. Los Angeles and other districts have had opportunities to establish good faith by developing specific approaches that are possible within the available resources and the fabric of public consent and public acceptance.

Participant: Apparently, a growing segment of the brown and black community is frustrated with the fact that we have not achieved integration. They are saying, "We do not want to integrate any longer; we want to control our communities and our schools so we'll have quality education within our own areas." How does the panel respond to this attitude?

since Brown

Burton: It is a natural reaction. We talk about law and order, yet in the 16 years since the Supreme

Court decision, the number of segregated schools has increased. We are also talking about dignity. The onus for integration has always been on the black or brown community, so they are reduced to saying, "Please, let us integrate with you." More and more, the black community is seeing the actions of the white community and questioning whether or not this is a group they want to integrate with.

Neff: All of us need to read Berelson and Steiner's, Human Behavior. It would help us in understanding the effects of being locked out of freedom of choice and mobility for whatever reason, race, socioeconomic status, etc. That person feels that he has three reactions: avoid, strike out, or make some kind of accommodation that is closer to avoidance than it is to solutions. As majority group people, we have become assimilated into a situation where freedom of choice and mobility have been an inalienable right. We never realized that because other people were locked out of the situation they became in reality "those" people.

Participant: What can the State Department of Education do to assist us?

Title I assistance

Burton: Let me talk about Title I. Where districts are in the process of desegregation, which involves

transporting essentially Title I youngsters into predominately white schools, one concern that led to the accusation that Title I promotes segregation is the fact that these youngsters would lose the much needed services provided by Title I. If you read the guidelines, you would find that services follow these youngsters wherever they go at a minimum of $300 per pupil.

Although Title I is categorically designated for Title I youngsters, Title I funds cannot be used to segregate. This provides flexibility because you also can involve some non-Title I youngsters who need the services also. The only thing we're saying is that the majority of them must be identified Title I youngsters.

Neff: Upon your request, we'll help you explore viable procedures and identify additional program resources. I was about to say financial resources, but we don't have our hands on those kinds of resources and neither does the Federal government. We can help you develop a systematic study. It would be styled to the needs and resources of your district, because no one prescription of alternate methods, plans, and processes can be transplanted from one district to another.

S.I.R.
assistance

Participant: Our communities are depending on us to define what we mean by good education. If you, as

superintendents and board members, agree that integrated education is good education because it develops youngsters who are capable of participating in the mainstream of American life, then it is your job to lead.

leadership

I would hope we would not leave this conference confused about our role in the whole area of desegregation. We must do everything we can and have facts to back it up. It is our responsibility to lead. When it comes to dissenting groups of individuals, be they black, white or brown, all I want to say is that if we decide that integrated education is good education, then the law that applies to white folks in desegregation applies to black folks and brown folks.

frustration

Participant: I've been to several of these meetings and after each one I'm more frustrated. I feel that we're the halt leading the blind here. The Federal government representative says that he is here to enforce the law the way it is. I agree with him; why do we look to him? The state is even worse; it gives us a law, then it takes it away. And there we are, the halt leading the blind.

I would like to suggest that we recognize that we are a racist nation. Now that we recognize that fact, what can we do about it? We superintendents and board members are not in agreement as to what we want. I contend

that we don't know what we want. But, we have organizations that can develop this master plan or organization for an equal education or an integrated education. Call it what you like, a non-racist education is what I'm proposing. It could be a group from DSBA, from CTA, from CASA who would meet in conference and define goals based on research. They would see to it that the education family is educated first, the administrators, the teachers, the non-certified personnel, the board members and the government officials who pertain to education.

Evening Session
May 25, 1970

Resource People
Dr. Irving Balow
Dr. Merle Borrowman
Dr. James Hartley
Dr. Jane Mercer

THE UNIVERSITY OF CALIFORNIA, RIVERSIDE CENTER
FOR THE STUDY OF INTERGROUP RELATIONS

Stanton: There have been several prominent themes in the conference so far. You have been saying, "We need some supportive guidelines. We are committed to the idea of desegregation. But, 'and here you can take your choice,' our community won't support it; we need research evidence; we really don't have a problem." In these last few sessions, we need to get something concrete to take back to our districts.

Participant: I would like to challenge two of your three statements. "We are committed to the idea of desegregation, but our community won't support it." Now, who's job is it to get the community to support it? It is our job. And the third one, "We really don't have a problem." Every school district in the state of California has a problem.

Stanton: A third goal for the conference is to discuss the proposed Center for the Study of Intergroup Relations and get reactions from you as to the tasks such a center should undertake. Tonight, we are going

to have a briefing from people involved with the Center. On our panel are: Irving Balow, UCR; Merle Borrowman, UCR; Jane Mercer, UCR; and Jim Hartley, UCR.

Center background

Jane Mercer: Jim asked me to talk briefly about the background of the Center. About five years ago, the Riverside School District desegregated their elementary schools by closing three predominately minority schools and busing minority children to predominately Anglo receiving schools. As a member of the Sociology Department, I had been doing mental retardation research in the school district, a topic not unrelated to desegregation. It was obvious to several of us on campus that Riverside, as the first and largest non-Southern school district in the United States to totally desegregate, was a valuab e educational experiment and should be studied. We approached the school district and asked if we might evaluate the process to see what actually happens to students and teachers in school desegregation.

Bruce Miller, the superintendent, agreed to cooperate with the group of us on the campus in organizing and developing a plan for evaluation. We started immediately. Since the school district committed itself in the Fall of 1965 to desegregate in the Fall of 1966, we were able to get baseline data in the Spring of 1966 on the children, teachers'

ratings and parent interviews. This was all before anything happened in the district, except the commitment.

We administered our measures in 1966, 1967 and 1969. We found very little change between 1966 and 1967--one year of desegregation. We will be analyzing the 1969 data this summer and next fall, and I hope by the next conference that we will have quite a few findings from the three year follow-up of the Riverside study.

During this time, we had been working with other people throughout the state, the Intergroup Relations Bureau in Sacramento and Ernie Robles with the Office of Education in Riverside. Out of these contacts was generated the idea of developing some on-going research in desegregation that would go beyond Riverside. In our conversations, Jim and I discussed the possibility of organizing a center to do research on desegregation and to disseminate information from this research. We were working somewhat from an agricultural extension model in which University Extension could act as a "social science extension." So these two components of the Center fell into place.

In talking with groups of educators, I found there were many questions about curriculum and programming in desegregated schools. From conversations with Merle,

the Dean of the new School of Education, there jelled the idea of developing some on-going involvement between the School of Education and desegregated school districts. So, we ended up with a structure that has three component parts. One module will concentrate on basic research and evaluation. This unit will continue the Riverside study and also develop a staff that can work with other school districts. The University Extension will direct the dissemination module. This conference is the first effort of that module. And the third module, the newest of the three, will concentrate on innovative education in desegregated schools with the staff in the School of Education working in the public schools, starting in Riverside, but eventually expanding to other districts. This module will experiment with curriculum and programs in desegregated schools.

Since we are just beginning, we want your input. What can the Riverside Center do for you as school board members, superintendents, and school people? What types of sociological research would be most useful to you?

dissemination module

Jim Hartley: In discussing the Regional Dissemination Module, I should begin with background on University Extension. We are primarily an inservice continuing education agency of the University. Each year we have something in the

neighborhood of 11,000 teachers and educators who attend our program.

Early in the desegregation process, we were involved with teacher training. The first summer after desegregation had been accomplished, we had some 75 teachers and some 13 or 14 community aides who took part in a training program with us. Later, the school district went into a task-oriented sensitivity training type program, and we did a trainer of trainers group in the Riverside School District. These trainers, then, developed a program for their fellow teachers or for teachers in other schools. The Riverside District says the task-oriented sensitivity training was quite successful. Over the years, we have offered programs designed to help teachers change their behavior in the classroom.

Another concern of ours is to disseminate information on desegregation processes. For example, Jane Mercer's data bank will be used to answer questions with direct applications to the school district. Through the ERIC system of data, we will tie in with other parts of the country. We expect to develop a newsletter very early, and we want to develop training materials that are truly representative of the best thinking going on in this field. We hope to develop a behavioral science extension agent

who is analogous to a weed control specialist in the agricultural extension framework. This behavioral science extension specialist will know about the data in the behavioral sciences and the processes by which it can be utilized, with the end result of helping people not only learn, but change their behavior.

In our program, I am considering calling in a management support group to help us develop the goals of what we expect to happen. Having developed these goals, we will announce a request for proposals. Along the lines of the Texarkana project, private contractors will bid for programs and papers. They would guarantee results, possibly at a penalty if they don't achieve them. If we do what we want to do, we will train indigenous people from the communities who will monitor the evaluation and certify the results. Now, this is our most ambitious thinking, and we would like to get your reactions to it. We want our efforts to make a difference in what happens in the school system in terms of the behavior of the administrator, the guidance counselor and the teacher, and in terms of the way the student feels in the classroom.

Merle Borrowman: The most fruitful thing I can do is to talk briefly about the structure of the intervention module, the laboratory school module and teacher education

intervention module

module. We are concerned with the creation of integration through schools. The model of integration we are concerned with is not a model of assimilation; it's not a monolithic model.

We are concerned with creating a situation in which people from differing backgrounds can understand and trust each other. It's high time we stopped talking about the legal obligations only and moved on to discussing how we can build a society that has a respect for differences and a veneration for the pluralism and diversity of culture. Unless we build a society in which respect, understanding and trust prevail, we are not only in for a good deal of social turmoil, but we are also in for a very unexciting and unrewarding kind of life. I am speaking especially for myself and making no apologies for being concerned with trying to make the schools an effective integrating agency.

demonstration school

If we are not thinking about the kind of society that we want to have, we end up playing the terrible game of trying to decide what kind of minimal thing we are going to have to do. As a result, we end up isolating our law enforcement and our court system from the ethos of the people. So we must go beyond what we have to do by law and ask fundamental questions about the kind of

human community in which we want to live. Then we have to find ways to operate in schools to create that kind of human community. This is probably the fundamental objective of our module.

teacher education

The second objective, teacher education, is equally important. At UCR, we have some convictions about how teachers are best prepared. We do not believe teachers are well prepared simply by lectures on the university campus. The most important parts of teacher preparation occur in the schools themselves. On the other hand, we have a hunch that the simple apprenticeship characterizing most teacher education, rather than contributing to changes and improvement in the educational system, has created rigidity. To be quite blunt about it, we simply are not interested in training teachers to behave the way teachers have already behaved. If we are going to train teachers in schools, we must train in schools where fundamental questions are being asked, where it is not already taken for granted that all the answers are in, and where teachers themselves are trying to do things differently based on hard-headed research information. Fortunately, the Riverside school system shares these convictions, and we hope that other school districts will help us to carry on this process outside Riverside.

We have this conviction that teacher education must occur in the context of the school that is wrestling with fundamental problems. We also believe that, at this point in American education, most of the fundamental education problems are seen in their most poignant form in the matter of how different kinds of students are handled, and what kinds of relationships are built between different kinds of students and between the schools and communities from which they come.

In teacher education, the conventional separation of inservice and preservice education no longer makes sense. If we have inexperienced and experienced teachers working together on concrete problems of a specific school situation, we can do a better job both with inservice and preservice education.

Finally, we want to help other schools in the process of desegregation. But, you will notice that we are starting to work with school districts that have already accomplished desegregation, if by "desegregation" we mean merely moving the bodies around. Laboratory school module activities will not so much tell you how to desegregate schools, as it will give you clues as to what to do after the bodies are moved. If we can demonstrate in these schools and in these school communities that the catastrophes predicted

to occur when you desegregate are avoidable, then we may indeed help the process of desegregation.

Irving Balow: We must operate at a variety of levels in this demonstration school module. All of us recognize the critical importance of the attitudes of the teachers, and their attitudes, as are those of all people, are greatly influenced by this matter of racial isolation. One way to attack this problem is to develop around the school a true community of students, teachers and parents of all children that are attending that particular school.

However, we need to extend that community, because as a department of education we don't feel that we have the word, that we have the right attitude, and that we know what ought to happen. The university community must participate in an interchange with the community, in order that the faculty responsible for training teachers at the preservice level can also get the kind of feedback and the change in their behavior which is required if preservice education is to be improved significantly in the future.

But, changing attitudes is not necessarily going to secure changes in the behavior of teachers. To do a successful job in the schools, we must make progress in changing behaviors of the teacher in the classroom.

This is another dimension on which we are working, giving teachers immediate feedback to help them change their behavior on the spot, not tomorrow, not in inservice programs that take place isolated from the school room.

Third, we must give children themselves better educational opportunities. Some of the sociological research suggests that we may do great damage to youngsters. We pull them up from their neighborhood and place them in other schools with children who are not their close neighborhood friends. These children may perceive themselves as going into a hostile environment. The teacher may be one of the hostile elements. It may be these other twenty, twenty-five kids in the classroom who constitute the hostile elements. It is very important to work with the children to help them recognize the degrees of freedom they have available to them, the kinds of responses that it is possible for them to make in the classroom without being punished severely.

Borrowman: On the planning and management level, we are including representatives of the University and of the Negro, Chicano and Anglo school community. We are including in the operational level teachers who will be relieved full-time to participate, and community liaison people who will be full-time employees within the module to participate and to help us find out how the people of the community feel on these matters.

Stanton: Our hope is that this introduction will stimulate your thinking. You may have some further questions at this time about the nature, the structure and the purposes of the Center.

Participant: From what I hear, the planning of the proposal, the commission of the proposal and the adoption of the proposal have gone on among people who aren't minority people. Did you involve the black community and the Chicano community in the writing of the proposal?

Panelist: No, we didn't.

Participant: To me, this sounds like a prearranged program where, after you get the money, you go back into the community and say, "Tell us how to do the job we are supposed to do."

Mercer: That is one of the reasons for our meeting here this evening. Quite honestly, the Center grew out of the desegregation in Riverside. It was perceived as a possible way to disseminate findings and then to work more directly with the schools as a University based research center. The program itself is still very open. It is at this point that we hope we can get inputs from you.

Hartley: We hardly do anything in Extension without working with the consumer. The INCA program, that brochure that is in your folder, was worked out with the Chicano and black communities.

Balow: With respect to the demonstration school module, the three levels represent, at least in Riverside, the primary complaints of the minority community with respect to the public schools. Also, the advisory board includes an equal balance from the University, the school district and the community, with Anglos, Chicanos, and blacks equally represented.

Borrowman: In one respect, this proposal began relatively recently. In another respect, this proposal grows out of the experience of the city of Riverside and the University since 1965, working as closely and as seriously as they could with the Chicano and the black and the Anglo communities. Rather than coming from the minds of a few people at UCR, the Center grew out of a history of interaction among these three communities and between the school district and the University.

Participant: Will the Center extend beyond California?

Hartley: This Center is to serve the western region: California, Arizona, Nevada, Oregon, Washington, Hawaii and Alaska.

Mercer: I want to conclude by saying that educators have placed a great deal of emphasis in American education on teaching in ghetto schools. Assuming that soon we are going to have desegregated school districts, it is

multi-ethnic schools

time for us to think about multi-ethnic schools. The thrust of the Center is to concentrate on being helpful after schools have desegregated. We see the BIR's function as facilitating the movement toward desegregation, and we hope we'll have some services we can offer when you've reached the point where the commitment is there and you say, "Now, help us make it a success."

Morning Session
May 26, 1970

RECOMMENDATIONS FOR SERVICES TO BE PERFORMED BY
THE CENTER FOR STUDY OF INTERGROUP RELATIONS

Stanton: This morning we want to evaluate what has occurred at the conference and handle any questions you might have for the resource people from last night.

Participant: Are you going to expand your research project beyond Riverside?

Mercer: By the end of this summer or fall, we will have consolidated the measures we have taken in Riverside into a packet of eight or ten. Would there be any interest in such a standardized kit and in our sending people from the Center staff to help a district evaluate its movement toward desegregation? The data would relate specifically to desegregation, and we would measure such things as self-concept, anxiety and achievement. Would anybody be interested in going along with something like this?

evaluation services

Stanton: Before I forget, Meyer Weinberg would like to comment on the resources available through Integrated Education Associates.

Weinberg: The first is our magazine, Integrated Education, a very concrete help to you and your teachers. There are two cities in the country, Miami and Philadelphia,

which subscribe for every school. I would like to recommend this to you. Also, the second edition of Desegregation Research: An Appraisal is available through us. The third item I want to mention is a very large scale bibliography called The Education of Minority Children, 450 pages, 10,000 references. To order any of these materials, write: Integrated Education Associates, 343 South Dearborn Street, Chicago, Illinois, 60604.

inservice training

Participant: We have been discussing the need to inservice train teachers we now have. Even with the universities and teacher training institutions providing this service, it wouldn't take care of the bulk of people that the school districts now have. It also seemed worthwhile to have a program that would reach out and train legislators at the city, county and state level. I wonder if UCR Extension can do this statewide.

Hartley: I don't know, that would require a great deal of coordination. Whatever we do ought to be replicable in some fashion whether we start it here or in a central location somewhere in the state. I'd like to develop effective package-type programs that can move from one place to another.

Borrowman: I am not terribly sanguine about formal inservice courses for these kinds of purposes. In conjunction

with the teacher education module, we hope that school districts can free two or three of their people to work as participant observers in the schools where we are working. Then we hope to train talented people from Riverside and UCR who can work as participant observers in other school districts. To participate in the process of doing something in a specific school is the best kind of inservice education you can do.

The growth model we are working for is a kind of leapfrogging of personnel. We generate talents here, then farm out people, in a sense, to other districts. We also want to invite people from other districts to come in and be participants here. Looking in terms of a one, two, three year span, we hope to be in a position where a number of districts will be able to send people to work with us and where we'll be able to send our people to work with them. The best inservice is to have people carrying the experience of working in one district to another district, rather than trying to do it exclusively by formal inservice education courses.

Hartley: I agree with that, but it's very expensive. I think you could develop a reasonably successful program by bringing teams of teachers from areas to a central location and developing a program that they could take

back into their district. This would involve case study material, simulation gaming, role playing, small group exercises, all focused on the nature of people who are having trouble in the learning process. It would also include conflict resolution, process of change, and how to develop teamness in a school system.

Participant: I would not like to confine it to certificated staff, because in our district it worked well with the classified staff and our parent volunteers.

Participant: I would like to see this Center be as strong as possible. They need our support wherever we are in the state to provide them with any input we have available or to work with them in some way. If we can develop a very strong Center, we are all going to benefit from it because we'll have the information available. I would hope that the districts and the Center can develop a formal relationship, that we can provide whatever resources we have to strengthen the Center.

support for Center

Mercer: One question that we need to address is, "Who is our constituency?" When Jim Hartley made up the invitation list, he invited school board members and superintendents. In a sense, they became the initial clients of the Center. Do you think the Center should address itself to the "establishment," that is, to the people

constituency

who are running the educational system, or to the black and the brown communities or to the students? Where are we likely to have the most impact?

Participant: I would say the consumers are the students in a minority community because they look at the "establishment," the superintendents and the school board members, as why these problems came about. Students of the minority communities are the people you should be responsible to.

Mercer: You are proposing that we work directly with the minority community who, in turn, would influence the school boards and the superintendents. This would be an indirect rather than a direct approach in feeding back what we are finding to the decision makers. How do the rest of you react to this?

Participant: It might be more effective, because we have spent a great deal of time discussing things that we have no control over, like Federal laws. Perhaps if we had students here and direct confrontation, we might have been at the stage we're at now a day ago. We stall the process by means we use, and maybe we do need more student involvement. This is why they are burning the campuses. The students are saying, "You need to listen to us."

Participant: I think you have to decide what role people will play; what role non-white people will play, what role white people with power will play, and what role students will play. That's where the Center comes in, helping to define these roles and bringing them together. Speeding up confrontation can be a superficial kind of arrangement. Confrontation will come if people don't move. I see roles of students, non-white people and the "establishment" being somewhat compartmentalized, whereas they could be working towards similar goals in training or research.

Participant: If anything is going to be accomplished, you have the right group here to do it, board presidents and superintendents. You've told us that we have to communicate with the people, the consumer, but this is what we are going through on the local level. I don't think this is your function here.

Participant: When we talk about desegregation, we have to be more aware than say two or three years ago. You have to involve the black, the brown, the yellow and the power structure; I'm looking at a higher level of key influentials in the community. I think the Center could play a tremendous part in helping a community or

community conferences

communities bring these people together for information giving and program planning.

Mercer: It would really be exciting in a community which is on the verge of school desegregation to involve the city council in such a conference. We know that the city council can undermine any desegregation plan by its decisions on the location of low cost housing. Maybe a useful conference would be one which includes key people from the community, the black, brown and white leaders, the school board and the city council. Thirty or forty key people could be brought together in a total effort to develop the most feasible desegregation plan for that community. Would that seem like a legitimate function for the Center?

Participant: At the present time, there may be too few people at the Center to meet the requests you would receive. But, if that notion could be developed, it would be valuable.

Participant: I think that the Center should identify with two or three districts already in the planning stage. Get in as early as you can, and be a part of the research design and the data gathering. That way, it can be monitored all the way through, and whatever number of years are necessary for a follow-up can be included so that you

can start drawing some conclusions. You got started after Riverside made the commitment, but a few months before desegregation took place. I think you indicated last night that still was not enough lead time.

Mercer: It could have been better. In the Riverside study, the University researchers have tried to stay out of the process itself so we could watch what was happening without interfering and influencing events. Merle's going into the community will be the first time that we have systematically tried to influence what the community does. This means we are proposing a different relationship in the innovative education module. The University would work with the community from the beginning to develop educational programs and experiment with how integration can be achieved effectively. We would probably make a lot of mistakes, but it would be pretty exciting.

intervention module

Participant: Sometimes if you are going to do everything, you end up doing nothing. Once we get over the hurdles of policy statements and so forth, ultimately the whole problem of integration comes down to where 90% of it is the classroom teacher. I would hope that Riverside would still concentrate extensively in this area.

Hartley: Should the Center participate in some sense as an advocate in the development of a desegregation model

in some schools? Should we be in on all the work so that we can write it up and tell other people what happened?

Participant: I want to have resources to help a school district that comes to the county office and says, "We're planning to develop an integrated program in our district; what can you do to help?" I could say, "I know where we can get some information." I could invite several resource people to help this district develop their plans. These resource people would be backed up with research and experience. That would be one service that I would like to be able to call upon.

Participant: I agree with you. Pick target areas that are making a commitment to desegregation and are saying, "Now, we need help in integration." The Center could send people capable of dealing with inservice training programs and a variety of other issues around integrated education.

Participant: In terms of the Center, would it be possible to concentrate a certain thrust in one center, and then develop another center that would concentrate on another area of thrust?

Borrowman: What we conceived of was essentially an intervention, a monitoring and a dissemination module. At the present time, the intervention module is on the

teacher education process. There is no reason why there couldn't be generated an intervention module on the community decision-making process.

Hartley: Even though we haven't talked much about it, information processing--newsletters, bulletins and conference proceedings--is a very high priority item.

Participant: It is important that the Center have whatever information is available from around the country so that, even if you can not fill a request, you will know who can help.

Participant: With regard to inservice education, I would raise a word of caution. Training people for the participant observer role will require a great deal of expertise. You cannot get a group of people together and run them through a quick course. Desegregation and integration are emotional issues. We need people who know what they are doing in small group training, who know how to help people come forth and risk what they really feel. That takes some real expertise. Let's not have a lot of minimally trained missionaries creating more problems than we have now.

Weinberg: The mention of missionaries reminds me of something Thoreau said, "If I knew a man were headed toward my house to do me good, I should run for my life."

Stanton: I sense that would be a great place to end.